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ABSTRACT

The challenge of educating the limited- or non-English-speaking (LES/NES) student is discussed in four papers: "Aspects of Bilingual Education for LES/NES Students" by Heidi Dulay and Marina Burt, "Definition and Measurement of Bilingual Students" by Edward A. De Avila and Sharon E. Duncan, "Bilingual Education for the English Dominant Language Minority Student" by Richard Barrutia, and "Bilingual Education and the English-Speaking Majority" by Thomas Carter (a number of California programs are described in this paper). The findings of these papers include the following: (1) a critical need exists for bilingual bicultural education, (2) bilingual bicultural education is far more complex than heretofore assumed, (3) a need exists for empirically derived definitions of LES/NES and bilingual terms, (4) only a limited number of children are being served even though the need is great, (5) programs must be expanded to serve bilingual and fluent English speakers, and (6) research in bilingual bicultural education is critical. (Author/JB)

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Bilingual Program, Policy, and Assessment Issues

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Preface

Within the last decade bilingual bicultural education has emerged as a profound educational alternative that is meeting the needs of language-minority students and is generating significant pedagogical, program, and policy implications. From its modest inception as a demonstration program, bilingual bicultural education has grown in scope in serving limited- and non-English-speaking (LES/NES) students previously deprived of equitable educational opportunities.

In responding to the needs of 300,000 LES/NES students in the state, California has enacted such legislation as the Bilingual Education Act of 1972 (AB 2284); the Bilingual-Bicultural Education Act of 1976 (AB 1329); the Educationally Disadvantaged Youth Program (SB 1641/1976); the Bilingual Teacher Corps Act (AB 2817/1974); and other related legislation. California's prescriptive bilingual program requirements and concomitant focus on the development of a cadre of fluent biliterate teachers stand out as a national model. Under the aegis of present bilingual and teacher training programs, children of various primary language backgrounds such as Spanish, Japanese, Chinese, Vietnamese, Korean, Pilipino, and Samoan are now receiving a linguistically comprehensible education in their primary language and in English.

Despite the tremendous gains made in bilingual bicultural education, much remains to be done. This publication represents a critical appraisal of bilingual bicultural programs by identifying significant issues and proposing courses of action to improve instruction. It has been found that (1) a critical need exists for bilingual bicultural education; (2) bilingual bicultural education is far more complex than heretofore assumed; (3) a need exists for empirically derived definitions of LES/NES and bilingual terms; (4) only a limited number of children are being served even though the need is great; (5) programs must be expanded to serve bilingual and fluent English speakers; and (6) research in bilingual bicultural education is critical. These and other findings are discussed in this publication. It is clear that, in light of the amount of work needed to improve the efficacy of bilingual bicultural education and existing public concern, positive, aggressive action must be taken.

First, all LES/NES children must receive linguistically appropriate instruction to enhance their acquisition of the vernacular and English. Second, instructional methodology must avail itself of the latest knowledge and techniques of language development acquisition. Third, instruction must occur in a supportive environment that recognizes the cultural and ethnolinguistic attributes of LES/NES children. Fourth, bilingual bicultural education opportunities must be expanded, and the quest to serve children better through bilingual education and other programs must be continued.

The needs of LES/NES children are in many cases extraordinarily acute and complex. To meet the needs of these and other children requires a cooperative and constructive effort on behalf of bilingual bicultural education. Educators should consider seriously the findings and implications contained in this publication and work toward the implementation of the recommendations listed. By so doing, we reaffirm and demonstrate our commitment to fulfill the public trust of providing the best education possible for all our children.

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Deputy Superintendent for Programs

CHARLIE M. KNIGHT
Associate Superintendent of Public Instruction

RAMIRO REYES
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Acknowledgments

The conduct of the California Convocation on Bilingual Program, Policy, and Assessment Issues required the support and assistance of a large number of people. We are grateful to Wilson Riles, Superintendent of Public Instruction, and Davis Campbell, Deputy Superintendent for Programs, for their support, which enabled us to conduct the convocation. Special thanks go to John Molina, former Director of the U.S. Office of Bilingual Education, which provided a large portion of funding and strong federal support. We are also indebted to Gilbert Chavez, Office of Hispanic Concerns, U.S. Office of Education, for his strong interest, support, and active participation.

A very special note of appreciation goes to the principal authors of this publication: Heidi Dulay and Marina Burt, Edward De Avila and Sharon Duncan, Richard Barrutia, and Thomas Carter. Their continued support throughout the convocation planning phase, preparation of the initial drafts of their respective papers, active leadership throughout the convocation, and finalization of their respective papers are deeply appreciated. We are also grateful to all of the panelists who gave so much of their time and insight to the deliberations. Their help was indeed valuable.

Finally, we express our thanks to Leticia Diaz-Sanchez and Sue Toy for coordinating the convocation logistics; to Carolyn Pirillo for compiling the synopsis of bilingual legislation and providing assistance to the editors; to Daniel Holt and Joseph Arellano for compiling the materials on the federal and state legal bases; to the panelists who prepared the summaries of exemplary programs for English-dominant majority students; to Richard Hiller for his consultation on the comparative analysis of state and federal requirements; and to Nancy Rumley-Osofsky for her patience in typing several drafts and sections of the proceedings.

ROBERT CERVANTES
Principal Compiler
of the Convocation Papers

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Chapter 1
Convocation Overview

Bilingual programs represent an important means of providing basic language skills and linguistically comprehensible education to thousands of language minority children. Recently, the question of the efficacy of bilingual education has received state as well as national attention, particularly since the release of two highly publicized and controversial reports—one, the American Institutes for Research (AIR) study on the impact of ESEA, Title VII, bilingual programs; the other, Noel Epstein's monograph on policy alternatives for bilingual education.

If the California State Department of Education (hereafter the Department) is to avoid similar controversy in California and provide much-needed leadership in conducting bilingual programs, increased attention to current policy, program, and assessment issues appears essential. Among the various bilingual education issues warranting immediate attention are the definition of bilingual education, basic educational theories and assumptions, program models, delineation of program entry and exit criteria, bilingual research, instructional methodology, articulation of secondary level bilingual education, and teacher training and retraining, to name but a few issues. Thus, from an initial intent to assess the current status of bilingual education, use empirical data in policymaking, and assume an active role rather than reactive role emerged the notion of a bilingual convocation. Indeed, it became increasingly clear that if the Department were to avoid the pitfalls of the AIR study and oversimplification of Epstein's "policy alternatives," nothing less than critical scholarly appraisal of California's bilingual programs by distinguished educators, researchers, linguists, and practitioners in a convocation forum would do.

Background

To develop the operational framework for the convocation, an ad hoc committee of Department staff and external consultants met periodically from late December, 1977, through March, 1978. Early in the deliberations it became evident that the complexity and diversity of bilingual education in California warranted expansion and modification of the original notion of convening several technical panels on the specific issues of research, instructional methodology, model programs, and curriculum. First, after lengthy discussion, it was agreed that the convocation would address certain basic questions: What has occurred in bilingual education? What now ought to occur to provide more effective instruction? More specifically, the convocation was to examine significant current practices and generate recommendations to be used as guidelines by state and federal agencies and other organizations involved in providing educational services to linguistically and culturally diverse students.

Second, the identifiable target group of bilingual education—the limited- and non-English-speaking students (LES/NES)—was deemed restrictive because other student groups were affected by or excluded from participation in bilingual programs. Thus, other student groups were identified for discussion; namely, bilingual students, English-dominant minority group students, and English-dominant majority group students. Third, the number of panel participants was extended to represent a cross section of disciplines and experiences.

In summary, then, the convocation framework that evolved was one that would focus on a discussion of program, policy, and assessment issues affecting the four student groups previously identified. The discussions would be carried on by means of review panels made up of persons drawn from several disciplines. The overall objectives of the convocation would be to:

1. Identify salient issues related to bilingual services to (a) limited- and non-English-speaking students; (b) bilingual students; (c) English-dominant minority students; and (d) English-dominant majority students (hereafter panels A—D).
2. Conduct a critical scholarly examination of current and alternative strategies for providing bilingual services to student populations.
3. Formulate recommendations for the improvement and expansion of bilingual bicultural education.

Organization

For the implementation of the proposed convocation, a summary of the ad hoc committee recommen-

dations was prepared and submitted for approval to the Department and to the U.S. Office of Bilingual Education in March, 1978. The organizational framework for the convocation is presented in Figure 1. The ad hoc committee's recommendations were subsequently approved, and the Convocation on Bilingual Program, Policy, and Assessment Issues was held in Santa Barbara, California, in late spring, 1978.

As depicted in Figure 1, the focus of the convocation was on identified student groups currently served by bilingual programs (as in the case of LES/NES students) or those groups that were currently excluded from such programs but should be served, such as bilingual English-dominant majority and minority group students. Central to the framework was the preparation of initial working papers on each student group as well as selection of panelists to provide critical reviews of the papers.

Authors

Ultimately, the success or failure of this type of endeavor is largely dependent on the authors of each paper. The Department was particularly pleased to commission nationally distinguished educators to draft the initial papers and carry them through the process of panel review and finalization. The authors were Heidi Dulay and Marina Burt (Chapter 2); Edward De Avila and Sharon Duncan (Chapter 3); Richard Barrutia (Chapter 4); and Thomas Carter (Chapter 5).

Heidi Dulay is Director and Marina Burt is Executive Director of Bloomsbury West, a nonprofit educa-

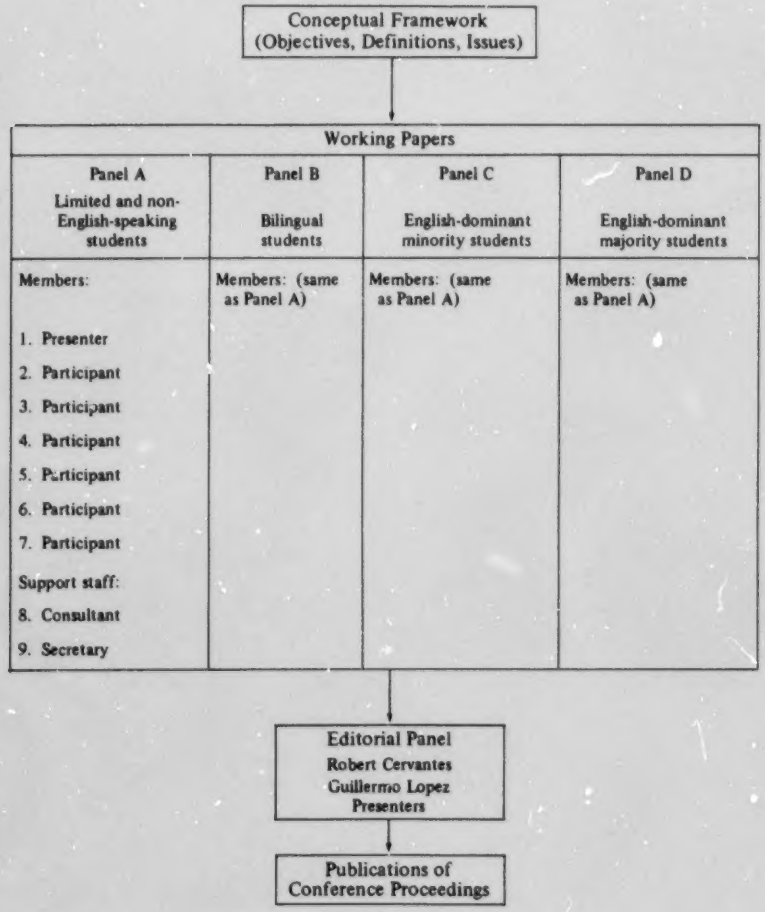

Fig. 1. Convocation organization framework

tional services and research organization in San Francisco. They have also directed the Lau Center for Northern California. Dr. Dulay has served as Principal Investigator for the National Institute of Education in the assessment of Indian English; as Evaluation Director of the bilingual television program "Villa Alegre"; and as an instructor in linguistics and bilingual education at the State University of New York, Stanford University, and Harvard University. Ms. Burt has served as Co-Investigator with Dr. Dulay on the study of Indian English for the National Institute of Education; has conducted extensive research in linguistics and has developed teacher training materials; and serves as a reviewer in linguistics, psycholinguistics, and English as a second language for six major publishers. Ms. Burt has taught linguistics at Stanford University, the Massachusetts Institute of Technology, and Boston University. Dr. Dulay and Ms. Burt are coauthors of the *Bilingual Syntax Measure* (I and II). Their major publications include *The Second Language, New Directions in Second Language Learning, Teaching and Bilingual Education,* and *Viewpoints on English as a Second Language.*

Edward De Avila and Sharon Duncan are coprincipals in the firm of De Avila, Duncan, and Associates of Larkspur, California, specializing in bilingual research. They are also coauthors of the *Language Assessment Scales* (I and II). Dr. De Avila is a Principal Investigator for the Southwest Educational Development Laboratory and is conducting a national study of cognitive learning styles. He previously served as Director of Research for the "Villa Alegre" television series and Director of Research for the national Multi-Lingual Assessment Center and is a research psychologist. Dr. De Avila has served as a consultant to numerous school districts and governmental agencies, including the U.S. Office of Child Development; the U.S. Office for Civil Rights (HEW); and the state departments of education in Arizona, California, Colorado, New York, Oregon, and Texas. Additionally, he has served as consulting lecturer in major colleges and universities, including the University of California at Santa Cruz, the University of Colorado at Boulder, Harvard University, and Stanford University. Dr. De Avila is a nationally renowned researcher in bilingual education and is known for his research in intellectual development.

Dr. Duncan is serving as a Research Associate in the Southwest Educational Development Laboratory and is working on cognitive learning styles. She was the Director of Program Development and Research Assistant for the "Villa Alegre" television series. Dr. Duncan is also a consultant to numerous school districts, commercial publishers, and colleges, specializing in multicultural curriculum, language assessment, and television productions. She has coauthored with Dr. De Avila articles on language assessment and has conducted research on bilingualism and cognitive styles.

Richard Barrutia is Professor of Applied Linguistics and Bilingualism in the Department of Spanish and Portuguese at the University of California at Irvine. He is also Coordinator of the Bilingual/Cross-Cultural Specialist Credential Program and the master of arts in teaching segment of the foreign languages program. He has authored numerous books and other writings, including texts on linguistic theory, the Portuguese language, Spanish phonetics and phonology, English-as-a-second-language (ESL), and teachers' instructional manuals. These include *Modern Portuguese* (1969); *Linguistic Theory of Language Learning as Related to Machine Teaching* (1969); *English for International Communication* (1977); and *Fonética y Fonología Española* (forthcoming). He also has a publication list of eight book chapters and 40 articles concerning first and second language acquisition, applied linguistics, and phonological theory. Dr. Barrutia has taught at the American Institute for Foreign Trade, Arizona State University, the University of Sao Paulo, and the University of California at Mexico City. His numerous awards and honors include the title of Caballero de la Orden del Merito Civil, awarded by His Majesty King Juan Carlos of Spain in August, 1977, for service to scholarship in Hispanic letters.

Thomas P. Carter has been involved in the study and analysis of school and minority groups. His work has focused on the failure of educational institutions to provide adequate service to the Mexican-American population in the southwestern states. This interest has led him to investigate a number of bilingual programs. Dr. Carter became one of the few to protest the movement toward compensatory-transitional bilingual programs.

Dr. Carter is the author of *Mexican-Americans in School: A History of Educational Neglect* (1970) and is the principal author of *Mexican-Americans in School: A Decade of Change* (1979). His most recent work relies heavily on the study of southwestern schools undertaken by the U.S. Commission on Civil Rights, a study that he was instrumental in bringing to fruition. Both books and his numerous other published works attest to his interest in encouraging educational change to serve neglected populations better. Dr. Carter is Professor of Education at California State University, Sacramento. He was previously Dean of Education at the same institution.

Panels

The role of the panels merits particular note because practitioner input was deemed critical. To ensure that the chapters reflected a consensus on the issues and concerns on bilingual education, the panelists played a significant role in (1) critically reviewing and modifying, if necessary, the initial working paper to ensure that it represented the most recent critical analysis and current research; and (2) arriving at recommendations that reflected the most recent alternatives and contributed to the understanding and effective delivery of bilingual education services.

During the convocation the panelists critically reviewed, discussed, and suggested modifications of the chapters. Lengthy and dynamic discussion, debate, and revision took place before a consensus could be reached. This process required the members of panels B, C, and D to meet several times after the convocation to work out particularly troublesome points.

Although considerable diversity existed in the membership on the panels—district project directors; school superintendents; university professors and deans; as well as federal, state, and organizational representatives—all worked closely together on sensitive and complex issues of bilingual education for the common good. The composition of the panels is presented as follows:

Panel A: Limited- and Non-English-Speaking Students

Presenters: Heidi Dulay and Marina Burt
Bloomsbury West, Inc.
San Francisco, California

Panelists:

James Alatis
Dean, School of Languages and Linguistics
Georgetown University
Executive Secretary, TESOL

Courtney Cazden
Professor of Education
Graduate School of Education
Dean of Academic Affairs
Harvard University

Charles Knight
Superintendent
San Jose Unified School District

Richard P. Mesa
Superintendent
Milpitas Unified School District

Nancy Montalvo
Director, Title VII
Alum Rock Union Elementary School District
San Jose, California

Egla Rangel
Metiche Association
Montebello, California
Vice-President for Community Affairs
California Association of Bilingual Education

Lorenza Schmidt
Member
California State Board of Education

Edward Steinman
Professor of Law
School of Law
University of Santa Clara

John Tsu
Director
Multicultural Program
University of San Francisco

Rita Esquivel
(Observer)
Director of Special Projects
Santa Monica Unified School District

Iris Shah
(Observer)
State-Level Chairperson for College/University, CATESOL
California State University
Northridge

Panel B: Bilingual Students

Presenter: Edward De Avila
De Avila, Duncan, and Associates
Larkspur, California

Panelists:

John Acosta
Department of Education
California State College
Bakersfield

Dorothy Astorga, Chairperson
Mexican-American Advisory Committee
(California State Department of Education)

Roque Berlanga
Title VII Program
ABC Unified School District

Robert Cervantes
Administrator
Office of Bilingual Bicultural Education
California State Department of Education

Eugene Garcia
Chicano Studies
University of California
Santa Barbara

Mary Jew
Office of the San Mateo County Superintendent of Schools

Olivia Martinez
Director
Bilingual Consortium
San Jose Unified School District

Estella Pinga
Stockton City Unified School District

Atilano Valencia
College of Education
New Mexico State University

Panel C: English-Dominant Minority Students

Presenter: Richard Barrutia
Department of Spanish and Portuguese
University of California
Irvine

Panelists:

Henry Dalton, Coordinator
Bilingual Education
Office of the San Bernardino County Superintendent of Schools

Mirta Feinburg
Coordinator
Title VII Schools Program
Los Angeles Unified School District

Gustavo Gonzalez
Graduate School of Education
University of California
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Center for Applied Linguistics
Arlington, Virginia

Toni Metcalf
Assistant Director
Multicultural Department
School of Education
University of San Francisco

Rosaura Sanchez
Department of Literature
University of California
San Diego

Panel D: English-Dominant Majority Students

Presenter: Thomas P. Carter
School of Education
California State University
Sacramento

Panelists:

Chuck Acosta
Office of the Los Angeles Superintendent of Schools

Beatriz Arias
School of Education
University of California
Los Angeles

Russell N. Campbell
Department of English as a Second Language
University of California
Los Angeles

Victor Cruz Aedo
Texas Educational Agency
Austin, Texas

Maria Teresa Delgado
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Curriculum Consultant
Bilingual Education
San Diego City Unified School District

Alberto Ochoa
Director
Region G, Lau Center
San Diego State University

Results

The collection of papers presented in this publication is the product of the spring, 1978, bilingual convocation. The papers represent, individually and collectively, the most recent scholarly review of bilingual education in California and provide important program, policy, and assessment information.

LES/NES Students

Chapter 2, by Heidi Dulay and Marina Burt, entitled "Aspects of Bilingual Education for LES/NES Students," reviews language use for subject-matter instruction of LES/NES students, LES/NES student groupings, the quality of English instruction, the variety in bilingual instructional offerings, and the effectiveness of bilingual programs. Dr. Dulay and Ms. Burt demonstrate that a gap exists between current research and practices in language use for subject-matter instruction and point out the problematic issues in the identification of LES/NES students and resulting groupings. Additionally, they point out the need to establish uniform indicators of quality English instruction, expand the limited variety of instructional offerings, and empirically assess bilingual programs. Their paper further demonstrates that LES/NES classifications are not homogeneous but are somewhat ill-defined and represent a wide spectrum of language abilities that must be met by appropriate language instruction if bilingual education is to be meaningful.

Bilingual Students

In Chapter 3 of this publication, Edward De Avila and Sharon Duncan explore the issue of bilingual instruction for a previously excluded group—bilingual students. They justifiably argue that, as in the case of LES/NES language classification, the bilingual classification lacks empirical precision. Even assuming an adequate operational definition of *bilingual,* there remains the problematic issue that most bilingual students remain largely unserved by bilingual programs and that little if any support for fostering bilingualism in such students is available elsewhere. Further, the authors discuss in detail the process of direct and indirect measures of bilingualism. Also reviewed is the critical issue of entry and exit criteria, the focal point of the definition and measurement issues in bilingualism. The interrelationship of linguistic proficiency and academic performance of entry and exit criteria are also discussed. Last, the authors review the issue of bilingual education and desegregation in a critical and scholarly fashion. The conclusion drawn and recommendation made are particularly important and timely.

English-Dominant Minority Group Students

Chapter 4 presents a thoughtful discussion by Richard Barrutia of the need for bilingual education for English-dominant minority group students. Dr. Barrutia points out that English-dominant minority and underachieving students are totally excluded from participating in bilingual programs, although linguistically and culturally such students could benefit from participation in bilingual programs. Language, culture, and linguistic factors of English-dominant minority group students are examined. To improve the plight of these neglected students, Dr. Barrutia argues that present legislation affecting the participation of English-dominant minority group students must be amended so that these students may be served adequately.

English-Dominant Majority Group Students

In Chapter 5 Thomas Carter explores the issue of the exclusion of English-dominant majority group students. His paper on bilingual education and the English-speaking majority addresses a segment of the population normally slighted in the discussion of bilingual education. The lack of scholarly and professional attention to this group of students forced almost total reliance on the knowledge and experience of the panelists in preparing this chapter, including the descriptions of various bilingual enrichment programs that appear in Appendix C. In this chapter Dr. Carter forcefully argues that the participation and support of the English-dominant majority group is essential to the general acceptance and success of bilingual programs and that, moreover, bilingual education must be based on an enrichment approach for it not to experience the severe problems that compensatory-type programs have had.

Summary

In Chapter 6 the editors present the salient findings and recommendations contained in Chapters 2, 3, 4, and 5 and discuss the implications of the findings and recommendations as they affect educators and policymakers.

The extent to which the convocation proceedings may be utilized as a guide to program, policy, and assessment issues for bilingual education rests first on dissemination and critical review of the papers and second on the challenge present in the acceptance and possible implementation of the respective recommendations. Toward this end it is essential to reiterate that (1) a need exists for administrative and programmatic clarity for the effective delivery of bilingual education; (2) bilingual education cannot be viewed independently of other educational programs nor as a

means of resolving the social and educational ills of society in general; (3) clear, well-thought-out policy is incumbent to improve and give bilingual education the time and resources to prove itself; and (4) bilingual education must be expanded in scope and services to meet the needs of an ever increasing non-English-speaking student population. The subsequent papers speak to these and other critical issues to improve the quality and scope of bilingual education. The extent to which the substance of each paper and its respective recommendations are implemented rests with you, the reader.

Finally, three appendixes have been included in this publication. Appendix A, prepared in consultation with Richard J. Hiller, discusses the rights of LES students in the context of a comparative analysis of state and federal legislation. This appendix highlights the need to follow the more prescriptive statutes, whether state or federal, to ensure quality instructional services to LES/NES pupils. Appendix B contains a brief synopsis of California legislation affecting bilingual education compiled by Carolyn Pirillo. Also included in Appendix B is a review of federal and state legal bases for bilingual education compiled by Daniel D. Holt and Joseph A. Arellano. Appendix C, which contains descriptions of bilingual programs designed for enrichment, was compiled by Victor Cruz Aedo.

Chapter 2

Aspects of Bilingual Education for LES/NES Students

by
Heidi Dulay
Marina Burt

With the assistance of the following panelists:

James Alatis
Courtney Cazden
Charles Knight
Richard Mesa
Nancy Montalvo
Egla Rangel
Lorenza Schmidt
Edward Steinman
John Tsu

and observers:

Rita Esquivel
Iris Shah

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Introduction

In the past two years the term *LES/NES* has become widely known in California public schools. In response to the *Lau* decision, the California Legislature has enacted a series of laws guaranteeing the rights of limited- or non-English-speaking students to bilingual education. Refinements of such laws, together with accompanying regulations, guidelines, and instructions, continue to be made as educators gradually turn their energies from legal compliance to educational quality. This paper is presented in an effort to contribute to the quality of bilingual education programs that serve the LES/NES student population in California.

The term *bilingual education* means the use of two languages as media of instruction. Such a broad definition assumes that the implementation of bilingual education can vary greatly. The manner in which the languages are used, selection of subjects taught in each language, and other program features depend on the goals of a given program. In turn, the goals depend on the characteristics of the student population served.

The LES/NES student population represents only one of at least four distinct student populations for which bilingual education may be used as an educational approach. The four populations are defined in terms of English proficiency. For the first group, the *LES/NES or limited- or non-English-speaking minority students,* bilingual education is viewed as necessary to ensure equality of opportunity to benefit from schooling. For the second group, the *balanced bilin-*

gual linguistic minority population (those who might have once been LES/NES but who have reached a level of English proficiency equivalent to that of their first language), bilingual education is seen as providing a means for maintaining continued development of the student's home language, thereby ensuring community solidarity and continuity between home and school. For the third group, the *English-dominant linguistic minority students* (those students who may have once been LES/NES but who have lost much of their home language or never acquired the language of their parents and grandparents), bilingual education is a vehicle to the revival and revitalization of home language and culture. For the fourth group, the *native English-speaking linguistic majority group students* (Anglo-Americans and black Americans in our schools), bilingual education is seen as an enrichment of the children's educational experience whereby the children are exposed to another language and culture early in life.

Currently, the rights of the second and third groups—the English-proficient linguistic minorities—to government-funded bilingual education programs are being argued in political as well as academic forums.

Although the value and educational legitimacy of bilingual education for all four populations is recognized, this chapter focuses on aspects of bilingual education for only the first group, the limited- or non-English-speaking minority population. This group is the major target population for most public financial assistance at the federal, state, and local levels.

Bilingual education for LES/NES students has been around for more than a decade but is just beginning to gain institutional legitimacy. Even the *New York Times* (not known as a supporter of bilingual education) has acknowledged its value. The *Times* has stated that "we fully support the proper use of bilingual teaching as a pedagogically sound means . . . of making possible effective participation in the general business of learning from the very moment a non-English-speaking youngster enters school" (December 17, 1976). Bilingual education must now make good on the trust that has been extended. It must deliver programs that accomplish at least two major goals: (1) the development of student's conceptual skills and knowledge; and (2) the student's acquisition of English proficiency.

The number of students who are potential recipients of these services is not small. In California alone the estimated LES/NES population is nearly 300,000, including more than 100 different language groups.[1] As might be expected in the early stages of mandatory statewide LES/NES census taking, identification and assessment procedures are evolving, rendering any statistics on this student population group tentative. The first major section of this chapter addresses this issue. It presents linguistic and educational principles that bear on the LES/NES identification process; discusses currently mandated procedures in light of these considerations; and recommends procedures that are educationally and linguistically sound while at the same time being legally permissible and administratively feasible.

The next section examines several aspects of the bilingual education instructional program, likewise bringing to bear the most recent educational and linguistic advances to the task of recommending programmatic improvement. The selection of language medium for subject-matter instruction, the quality of English teaching, the range of program offerings, and the evaluation of the effectiveness of bilingual education programs are among the major issues discussed. Finally, a set of recommendations is presented to cover each of the topics discussed.

IDENTIFICATION AND PLACEMENT OF LES/NES STUDENTS

LES/NES Student Assessment Process

A comprehensive, well-articulated student assessment process is critical to the effectiveness of a bilingual education program for LES/NES students. The process begins with *identifying* students whose proficiency in English is limited or nonexistent; continues with assessment procedures for *placing* the students in appropriate classes, class groupings, and curriculum sequences; includes *monitoring* of student progress through the curriculum; and ends with assessments to determine the students' *readiness* to begin instruction through English only and to *exit* from bilingual classes. Each assessment phase is briefly described here simply to give the reader a context into which to place the discussions that follow.

Identification of LES/NES Students

The identification of LES/NES students is the first phase of the student assessment process. Included are procedures for determining whether a student may be classified as *limited English speaking* or *non-English speaking*. The importance of accurate identification of students whose English-speaking ability is limited or nonexistent cannot be overstated. The major implications for students being identified as LES/NES students are that the students (1) are guaranteed their right to a meaningful education under federal and state law; and (2) become qualified for many govern-

[1] *Language Dominance Survey*. Sacramento: California State Department of Education, 1976.

ment-funded educational programs. Thus, procedures to determine LES/NES status become eligibility criteria for special educational services in public schools. These procedures are discussed thoroughly in this section.

Placement of LES/NES Students

The placement of LES/NES students within bilingual programs, classes, and curricula comprises the second phase of student assessment. Procedures are followed to diagnose the scope and level of students' basic skills and knowledge to prescribe appropriate instructional treatments. Such assessment procedures result in the appropriate placement of students along several instructional dimensions; that is, (1) at an appropriate point within a curriculum sequence or objectives continuum; (2) in appropriate class groupings; and (3) in classes designed for special needs if such needs are evident.

For example, a LES/NES student's proficiency in English may vary from no proficiency at all to a level that allows some communication through English. A diagnosis of the proficiency level in oral English would allow the teacher to prescribe the appropriate English instructional activities and place the student in the most beneficial English-as-a-second-language (ESL) group. Similarly, diagnosis of LES/NES students' primary language literacy skills may reveal varying levels of reading ability. Take, for example, two ten-year-old NES students, one exhibiting a mastery of third grade reading skills in the primary language, the other revealing no reading skills at all. Although both students are NES students and may be placed in the same ESL instructional group, for reading the former would be placed in a regular primary language reading group, the latter in a group receiving basic reading instruction in the primary language. Likewise, through appropriate diagnostic assessments, LES/NES students with communicative and other disorders may be distinguished from those with no special problems. Specific recommendations on placement procedures are included in this section.

Monitoring of LES/NES Students

The monitoring of student progress is the third phase in an assessment program. It is the means by which a teacher can gauge how well students are doing in their schoolwork. Monitoring usually consists of curriculum-referenced tests and teacher assessments conducted during the school year. Of course, more formal assessments, including standardized testing, may be used for monitoring purposes; however, such testing is usually not conducted more than once or twice during a school year. (Monitoring is not discussed further in this chapter.)

English Readiness and Program Exit

The last phase in an assessment program for the LES/NES student is the determination of a student's readiness to participate meaningfully in English-medium instruction. This point may be called *English readiness*. English readiness is often thought of as the point at which students would also exit from a bilingual program. Thus, criteria to determine English readiness are sometimes considered the same as to determine *program exit*. For bilingual programs that include primary language maintenance and enrichment among its major goals, however, English readiness would not necessarily imply program exit. Both the *Lau* guidelines and California law offer as options programs that aim to develop the students' primary language and culture. Such programs would continue to offer primary language medium instruction in one or more subject areas after a student had acquired enough English and other basic skills to benefit from English medium instruction. Thus, it is necessary to distinguish *English readiness* from *program exit*.

Research to determine criteria for English readiness and program exit is still in its infancy. Although the formulation of such criteria is a matter of great urgency to policymakers and school personnel, the available empirical data are too sparse to warrant specific recommendations. English readiness and program exit criteria are therefore not discussed further in this chapter.

Instead, areas in which strong rationales may be offered to support recommendations for policy and program implementation are discussed. First, the issue arises as to whether to use an assessment of oral English proficiency rather than an assessment of a student's language dominance to determine LES/NES status. Next, a two-step approach in the identification of LES/NES students is outlined. Third, characteristics of procedures and instruments used in home language screening and language proficiency assessment are discussed. And, finally, recommendations covering both identification and placement procedures are presented.

English Proficiency Versus Language Dominance

Language proficiency refers to the degree to which an individual exhibits control over the use of the rules of a language for one, some, or all of its numerous and diverse aspects. The aspects include the phonological, syntactic, lexical, and semantic systems and discourse and stylistic rules for oral and written communication for different varieties of a given language in various domains and social circumstances (Burt and Dulay, 1978). One may evaluate students' proficiency in English in any one or several of these aspects; or their Spanish, Chinese, or Tagalog profi-

ciency; or proficiency in any other language for any of these aspects. The results of such measurement would yield information on student proficiency in the particular language tested. Proficiency in one language, of course, does not necessarily imply lack of proficiency in another; and, conversely, lack of proficiency in one language does not imply proficiency in another.

Language dominance refers to an individual's degree of bilingualism; that is, the *relative proficiency* of an individual with respect to more than one language. The essence of language dominance is the comparison of two languages and the resulting specification of the degree of bilingualism.

Legal Considerations

Language dominance is commonly used as the principal criterion for the specification of a student's language status in accordance with a variety of legal requirements pertaining to linguistic minority children. For example, the *Lau* guidelines require the classification of students in one of five categories along the dimension of dominance. Similarly, California's Bilingual Education Act of 1976 (AB 1329) prescribed an annual assessment, on a language dominance instrument, of all children whose primary language is not English (Education Code Section 52164[b]). These classifications are to be used by school districts in the establishment of ESL and bilingual programs and the assignment of students to the programs.

Language dominance is commonly thought to be a simple concept that should be highly useful in the classification of students for educational purposes. Theoretical work in bilingualism, however, has demonstrated conclusively that language dominance involves many distinct factors and is an extremely complex set of skills difficult to measure accurately. (See MacNamara, 1967, Kelly, 1969, and Hernandez-Chavez, Burt, and Dulay, 1978, for discussions of the complexity of the issues in dominance testing.) Linguists and psychologists interested in furthering understanding of the structural and psychological interaction of a bilingual's two languages and the social, cultural, and affective consequences of bilingualism have found the measurement of dominance an indispensable part of their research.

There is little question of the utility of the measurement of dominance for these purposes. Nevertheless, serious questions can be raised about the utility and the appropriateness for *educational* purposes of classifications based on language dominance. Even though the letter of most legislation and administrative regulations calls for such classifications, a closer look at the *intent* of the law will show that dominance is largely unnecessary for its implementation. Moreover, sound educational practice depends not on dominance but on other more useful classifications.

The *Lau* guidelines prescribe a five-part classification based on the relative linguistic proficiency of the student.[2] In the section of the *Lau* guidelines that specifies the selection of the educational program, only monolingual and predominant speakers of the non-English language are entitled to special treatment on account of language. Bilinguals, predominant speakers of English, and English monolinguals receive the same treatment as students who are not from the linguistic minority group. *In effect, the criterion being applied is proficiency or lack of proficiency in English.* The relative level of proficiency in the two languages—i.e., dominance—is not relevant.

This treatment, moreover, is fully in accord with a Department of Health, Education, and Welfare (HEW) May, 1970, memorandum and the *Lau* v. *Nichols* decision. The memorandum states in part that "where inability to speak and understand the English language excludes national-origin minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to the students." The Supreme Court, too, was concerned with the inability of Chinese students to receive educational treatment not because they spoke Chinese but because they did not speak English.

California's Bilingual Education Act (AB 1329, Chapter 978, Statutes of 1976) is much more explicit than the *Lau* guidelines in the use of proficiency in English as a criterion for educational program selection although it, too, requires a dominance measure for identification. Indeed, the designation *limited-English-speaking* or *LES* student is made without any reference whatever to the idea of dominance. The category *LES* refers to students "who do not have the clearly developed skills of comprehension, speaking, reading, and writing necessary to receive instruction only in English . . . " (Education Code Section 52163[d]). In addition, LES students are to be reassessed annually with respect to English comprehension, reading, and writing (Education Code Section 52171). Assessment in the primary language ("the second language of instruction") may also be done, but it is essentially independent of that in English.

For some purposes dominance seems to enter into a definition. For example, under the term "partial bilingual instruction" (Education Code Section 52163[a]), culture and history are to be taught in the language the student knows best. In the same section, however, neither "full bilingual instruction" nor "bilingual-

[2]This is termed linguistic function or ability, which we interpret as "proficiency." The classification is unidimensional, which is somewhat a simplification and a departure from the strict notion of dominance; but terms such as *exclusively* and *predominant speaker* show that it is in fact dominance that is being referred to.

bicultural education" requires dominance information. It is clear that the definition of "partial bilingual instruction" could also be rewritten to exclude reference to dominance without any change in substance.

Thus, for both the federal and the state requirements, the principal operational criterion for eligibility to receive a form of bilingual or ESL instruction is the level of attained proficiency in English, not the dominance relation between the native language and English.

Educational Considerations

In terms of educational practice, too, the use of language dominance assessment for the identification of LES/NES students is of doubtful value. The assessment may misclassify students, bypassing certain eligible students and assigning others to inappropriate classes or programs. The reason is that, although it is often the case that a student dominant in the native language is also a LES pupil, it is not necessarily so. For example, a student may be at some intermediate level of development in English. Yet, because of fairly common changes that occur in familial patterns of language use, the student's primary language development may be interrupted or even caused to regress. In such a situation it is easily possible for a student whose acquisition of English is still in a developmental stage to be classified as English dominant. Another student with the same level of English proficiency but with normal primary language development would be categorized as dominant in the native language. Such a contradiction is avoided if the eligibility classification is made on the basis of English proficiency rather than dominance.

A related problem with the use of dominance as an eligibility measure is that large numbers of students who are raised bilingually or acquire English beginning at an early age may know English better than they know their home language. Often, however, the English of such English-dominant children will not have developed to a level equivalent to that of monolingual English speakers, and they are thus at a distinct linguistic disadvantage in relation to their monolingual peers.[3]

Finally, the question can be raised as to the role of skills assessment in the primary language. Once students are classified as LES or NES as a result of assessment of English proficiency, measurement of their skills in the primary language becomes very important. The purposes of this assessment are quite distinct from those of proficiency testing in English, which is used for determination of LES/NES status identification and for placement in English instruction. Testing in the native language is done to provide baseline information for the placement of students in appropriate bilingual classes and for decisions concerning the instructional program. As with the assessments for LES/NES identification, these placement and diagnostic assessments in the primary language do not require dominance information. (See recommendations for specifications for primary language testing.)

In sum, it seems apparent that for both legal and educational reasons, the specification of a student's language status is more appropriately determined by an assessment made solely in terms of English proficiency. From this perspective NES status would then be simply the inability to communicate in English well enough to participate effectively in an English-only classroom. The determination of NES status will be made by specifying a particular minimum level of attainment on a direct test of language proficiency without regard for the student's status in the native language.

LES status would also be determined on the basis of proficiency testing in English without the necessity of comparing the level attained with the proficiency level in the native language. LES status will represent particular scores on direct measures of proficiency based on the operational criterion of the student's inability to participate in the educational process at a level substantially equivalent to that of native speakers of English. (See the discussion of primary language screening for further information.)

Two-Step Process for LES/NES Identification

The identification of each LES/NES student in California is an administrative task of awesome proportions. In response to the *Lau* guidelines, AB 1329/76 includes a mandate for an annual census to identify LES/NES students in California public schools. The census consists of a two-step process whereby (1) a preliminary screening is made to identify the primary language of the student—that is, the language first learned or the language spoken at home; and (2) an assessment is made of students identified as having a primary language other than English to determine their status as NES, LES, or fluent English speaking (FES). This two-step approach is psycholinguistically sound. Students of little or no English-speaking ability are likely to come from home environments where languages other than English are spoken or are likely to have learned a language other than English as their

[3]A note of caution is appropriate on this point. Such incomplete development in both a bilingual's languages by no means warrants a categorization of the student as *bilingual* as has often been the practice. Such persons can communicate effectively with others, using devices such as code switching and borrowing. (See Gumperz and Hernandez-Chavez, 1972, for a discussion.) Certain forms of bilingual instruction may be valuable for such students. For purposes of eligibility in bilingual programs, they should have the status of LES.

first language. On the other hand, students whose primary language is other than English need not necessarily be of limited-English-speaking ability. Thus, LES/NES students comprise a subset of students whose primary language is other than English.

This two-step process is illustrated in Figure 1 without reference to specific instruments. The boxes in the figure represent procedures; the categories not enclosed in boxes represent the classificatory output of the identification procedures. Each of these is discussed in turn.

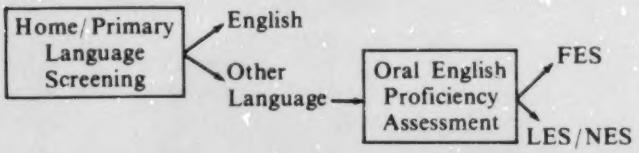


Fig. 1. Two-step process for LES/NES identification

Primary Language Screening

The first step in the identification of LES/NES students is to determine the primary or home language. The purpose of the initial determination of primary language is to screen the school population and to identify the subpopulation that needs a careful assessment of English skills. The screening identifies potential LES/NES students; the assessment makes a more finely honed judgment.

General Considerations

An important rationale for a preliminary screening is that an adequate proficiency assessment would be exceedingly time-consuming and expensive if it had to be given to every student in every school. Therefore, for a two-step process to be justified, the screening instrument used must be easy to administer to large numbers of students and easy to score and evaluate.

Perhaps the simplest device for these purposes is the language questionnaire. This kind of instrument can identify home language and make a preliminary identification of LES/NES students by means of just a few questions. Moreover, it can be printed and distributed easily to all students or parents in a school. Even in those communities where large numbers of parents are unable to read, an oral questionnaire is much more efficient than a direct measure of proficiency. The limitation of questionnaires is, of course, that they depend on an indirect index of language skill and may thus not always provide accurate information. But as a screening device they are quite adequate because the grid can be large or small according to the intent and purposes of the instrument.

Two sorts of questions provide information about primary language—questions on *language background* and questions on *language use*. Language background questions are concerned with the immigration status of the student and his or her family. Recent arrival from another country will naturally increase the possibility that the student is NES or LES. Likewise, residence and schooling histories will yield similar information. For example, Thompson (1974) has shown that persons schooled and raised in rural areas of the Spanish Southwest have language characteristics similar to those of recent immigrants from Mexico.

Information on language use is a powerful indicator of primary language. Although some persons use a language that is not their primary tongue, the customary and frequent use of a non-English language in a variety of situations is a strong indication that it is the primary language of the user. Indeed, home use of a language is often considered a defining characteristic of primary language.

In obtaining information about language use, it is important that frequency of use be determined according to different societal *domains*, particularly society's institutions and the persons associated with those institutions. Fishman (1968) has demonstrated that bilingual speakers tend to use each of their languages in particular domains. Thus, Spanish-speaking bilinguals and many bilinguals with other language backgrounds tend to use English at school and Spanish at home or in the neighborhood. Questions about primary language, then, will need to be asked about home and neighborhood contexts. The use of school or other English-oriented domains may tend erroneously to identify English as the primary language.

A language questionnaire, like any other instrument, must have evaluative criteria. Because a general characteristic of a primary language screening instrument is that it is easy to administer and score, the scoring criteria must also be straightforward and simple.

Home Language Survey

California's Superintendent of Public Instruction, pursuant to his authority to prescribe a uniform census-taking method (Education Code Section 52164[b]), has adopted and directed the use of the *Home Language Survey*. The *Home Language Survey* asks: (1) Which language did your son or daughter learn when he or she first began to talk? (2) Which language does your son or daughter most frequently use at home? (3) Which language do you use most frequently to speak to your son or daughter? (4) Which language is most often spoken by adults at home? Instructions accompanying the *Home Language Survey* make clear that school officials are responsible for issuing appropriate translations of the surveys. If the necessary home lan-

guage information is not retrieved, follow-up efforts by school officials are ordered. The instructions accompanying the *Home Language Survey* suggest how this task is to be done; that is, through home visits, telephoning, or follow-up letters. But the instructions do not specify the qualifications required of persons who conduct the follow-up.

The operative definition of *primary language* under California law (Education Code Section 52163[g]), together with the *Home Language Survey* and instructions adopted by the Superintendent of Public Instruction, indicate that state authorities seek to elicit information virtually identical with and certainly compatible with that sought by federal officials.

The *Lau* guidelines require school districts to identify students whose "primary or home language is other than English." These students are characterized by any one of the following descriptions: (a) A student's first acquired language is other than English. (b) The language most often spoken by the student is other than English. (c) The language most often spoken in the student's home is other than English regardless of the language spoken by the student. If one compares the state requirements with the three criteria contained in the *Lau* guidelines for identifying students with a primary or home language other than English, it becomes obvious that questions *1* and *2* in the *Home Language Survey* correspond to criteria *a* and *b* in the *Lau* guidelines; and questions *3* and *4* in the *Home Language Survey* correspond to criterion *c* in the *Lau* guidelines.

The *Lau* guidelines do not specify how the primary or home language is to be identified, but they do state *who* is to do the identifying. Only persons who can speak and understand the necessary language are to identify students. The *Lau* guidelines suggest, therefore, that interviews with students or parents or both are contemplated. Practically, this may be accomplished through face-to-face interviews at registration, in school, at home with the parent or student, or through telephone contact. The Office for Civil Rights generally adopts the position that the information needed to determine the student's primary or home language may be obtained from either the parent or the student except when the student is so young that it is uncertain whether the student can meaningfully and accurately report the necessary information.

One should recognize that, although the *Home Language Survey* is appealing because of the relative administrative convenience, risks inevitably occur. First, the parents may receive a survey form written in a language they do not understand. Second, some parents may be unable to read but may still attempt to complete the survey, increasing the likelihood of inaccuracies. Third, it is predictable that significant numbers of the surveys will not be returned.

Problems may occur with the specific questions as well. Of the four questions asked, three require the respondent to choose one or another language, effectively disallowing the possibility that a response may include both languages equally. This is not a serious problem if the responses chosen in such cases indicate the ethnic language. Children thus screened will need to be tested further so that it can be determined whether they have LES/NES status. A difficulty does arise, however, if English is chosen in these situations; that is, when both languages are used equally or are learned at the same time. Under these circumstances bilinguals will be identified as having English as their primary language and will thus be automatically precluded from further consideration as LES students, even though further testing might determine otherwise.

Large numbers of second-generation linguistic minority children potentially fall into the category of those who have begun to acquire both languages prior to school entry or who use both languages, at least to some extent, in the home. Many of these children are likely to report English as the language first learned on beginning to talk or as the language used most frequently at home; yet they would be classified as LES by some direct measure of English. This likelihood is even greater, given the high social and educational value attributed to English, not only in the schools but also in linguistic minority families. It has often been reported in the dialectological and sociolinguistic literature that social values and expectations may strongly affect the nature of responses on linguistic questionnaires (Fishman and others, 1968; Labov, 1972; MacNamara, 1967). The *Home Language Survey* does not take this factor into account because the questions are designed to elicit single-language responses.

In sum, the *Home Language Survey,* in its present form, leaves open the possibility that significant numbers of students in need of special services will be erroneously identified as having English as their primary language. The questions in the *Home Language Survey* should be revised to allow responses that include more than one language. Additionally, the instructions accompanying the *Home Language Survey* should stipulate that, when it is administered, the interviewer should be a person who speaks and understands the language of the ethnic group to which the parent belongs. Finally, the *Home Language Survey* should become a part of the pupil registration process.

Language Proficiency Assessment

English proficiency rather than language dominance appears to be an appropriate and educationally

useful identifier of LES/NES students. As previously noted in the discussion of English proficiency versus language dominance, although federal law mandates language dominance assessment, an analysis of the intent of the law, together with educational and psycholinguistic considerations, strongly indicates that the second step in the LES/NES identification process should consist of the assessment of a student's oral English proficiency. Indeed, the designations *LES* and *NES* attest to such intent. The *SDOAI* is explicitly not intended as a measure of language proficiency but rather as a "quick assessment" of fluency and dominance through the determination of "comfort" in production.

A quick assessment of a student's comfortable language may be consistent with a preliminary screening, but it is inadequate for a classification of a student's language status that will determine the type of educational program to be provided. Given the first step of primary language screening, a second screening instrument becomes superfluous.

For these and other reasons, many educators, as well as California State Department of Education personnel, worked with the Legislature in bringing about the passage of Assembly Bill 3470 (Chapter 848/78), the LES Census Bill, which was signed into law on September 18, 1978. The regulations pursuant to the new legislation specify English proficiency assessment as the second step in the identification of limited- and non-English-speaking students (Education Code Section 52164[b]).

Certain criteria for such assessment need to be met for valid and accurate identification. The criteria include:

1. The use of English proficiency scores of native English-speaking peers as the criterion to determine when a student's English proficiency is limited
2. The de-emphasis of phonology as an aspect of language to be measured
3. The use of natural communication tasks (as opposed to linguistic manipulation tasks) to elicit the speech to be assessed
4. The exclusion of items that exhibit negative cultural bias
5. Adherence to psychometric requirements of validity, reliability, and field testing

Use of Proficiency Scores

When can a student's proficiency be considered *limited?* Education Code Section 52163(d) states that "limited-English-speaking pupils are pupils who do not have the clearly developed English language skills . . . necessary to receive instruction only in English at a *level substantially equivalent to pupils whose primary language is English"* [emphasis ours].

Although much of one's first language is acquired during early childhood, parts of one's language develop gradually and are finally acquired only in later childhood and adolescence. Even aspects of syntax and morphology, which comprise the backbone of a language, are acquired during the school years (see Chomsky, 1970). Thus, the English proficiency of pupils whose primary language is English would vary according to their stage of language development.

Levels of English proficiency considered to be *limited* would vary according to the mean proficiency levels of native English-speaking pupils at different grade levels. For example, if an assessment instrument rated proficiency levels from one to five and five were the highest level, it is quite possible that native English speakers in kindergarten would score, on the average, at level four. If this were the case, level four would *not* be limited even though it is not the highest possible score on the test. In higher grades, however, level four would be considered limited if native English speakers score at higher levels.

Given the necessity of determining empirically the English proficiency levels of native English speakers, the next question would involve characteristics of an acceptable native English-speaking sample. Suggested here are only a few minimal qualitative characteristics of such a sample. First, for relatively uniform standards to be ensured, a statewide representative sample rather than local samples should be used for comparison. Using one statewide sample would also automatically solve the problem that would arise in districts with majority concentrations of national-origin minority students.

As in the selection of any representative sample, factors such as socioeconomic status and geographic representation need to be considered. For this particular sample no national-origin minority group students should be included because it is precisely this population group whose English proficiency is being assessed. The number and concentration of other types of native English-speaking students should be determined by experts in measurement, as should the precise point within test score ranges that distinguishes limited from proficient English speakers.

De-Emphasis of Phonology

Of the various linguistic components that can be measured, phonology is perhaps the least indicative of general language proficiency and the least predictive of LES/NES status. The reasons are to be found in the structural relationships among linguistic components, the language acquisition process, and the use of

language by bilinguals. A discussion of the first two aspects would involve consideration of highly technical and theoretical topics. Included here, therefore, is only a discussion of the last aspect; namely, the use of language by bilinguals.[4]

It is well-known that many bilinguals have a highly developed ability to communicate, using a grammatical structure that is essentially equivalent to that of native speakers while maintaining a heavy accent. That is, their productive phonological structure in the new language is not well-developed, yet they are considered fully proficient in that language. Henry Kissinger, Zsa Zsa Gabor, and Fernando Llamas, for example, have accents that do not appear to have any effect on their ability to communicate in English. On the other hand, some learners are very good mimics or may distinguish sounds well but may not learn grammatical structure or vocabulary as easily. In light of these observations, it seems clear that the assessment of phonology will give virtually no information about a person's skill in or knowledge of the meaning-bearing elements at the very core of the communicative function of language.

In addition to the phenomenon of accented but fluent English speech, a great deal of variability exists in pronunciation across idiolects and dialects of native speakers of a language. For example, in Spanish (as in English) numerous variant pronunciations occur according to country and region.[5] Not only do many of the individual sounds differ, but there are important differences in intonational phenomena. Particularly important are pitch and rate of speech differences as well as certain junctural phenomena such as /ʔ/ (glottal stop) or velarization of /n/. These kinds of pronunciation differences are comparable to those between Midwestern American speakers and native English speakers from, say, New Delhi or Auckland.

Care must be taken, therefore, not to confound differences in pronunciation with difficulties requiring instructional intervention. Accent is more often an indicator of regional background, socioeconomic status, or ethnic or peer group affinity than an indicator of ability to communicate. Given the unpredictable relationship between an individual's control of the phonology of a language and the ability to communicate in that language, the use of phonology (including pronunciation and auditory discrimination) in the determination of LES/NES status may lead to the erroneous classification of students.

Use of Natural Communication Tasks

Most tasks used to elicit speech samples or verbal responses may be grouped according to the presence or absence of a communicative focus. Accordingly, they may be labeled *natural communication* tasks and *linguistic manipulation* tasks, respectively. A natural communication task is one in which the focus of the student is on communicating something to someone else—an idea, some information, or an opinion in a natural manner. In such situations the speaker unconsciously uses the grammar rules acquired to convey the message. For example, a question such as *Why can't the frog fly?* (asked by an examiner while pointing to a picture of a frog sitting on a rock) elicits an opinion or idea from the student which is directed towards the specific situation. The resulting speech is produced by the student with little if any conscious focus on linguistic form.

On the other hand, a *linguistic manipulation* task is one in which the focus of the student is on performing the conscious linguistic manipulation required by the task. For example, asking a speaker to transform *No one was here* into a *yes or no* question requires manipulation of the elements in the sentence; or filling in a blank with a correct morpheme requires selecting a form. Neither of these activities serves any communicative function for the student, however. Rather, the student is consciously focusing on the linguistic rules required to perform the operation requested, an activity rarely a part of natural communication. In brief, natural communication tasks permit one to make statements concerning the student's normally developing (and unconscious) grammar. Linguistic manipulation tasks permit one to make statements concerning the student's metalinguistic awareness; i.e., the conscious knowledge of and manipulation of the rules and forms of a language.

This distinction is important for various reasons, the most important of which here is that the two kinds of tasks give quite different results in terms of the quality of the language produced. For example, second language (L2) acquisition order research has revealed the same stable order of acquisition of certain grammatical morphemes for both oral and written production for children and adults (Anderson, 1976; Fuller, 1978; and Krashen, 1977). In nearly all the L2 research studies conducted to date, subjects were given various sorts of communication tasks. One notable exception, however, was a study in which students were asked to fill in the blanks with the correct morpheme or draw a line through the blank if none

[4]See, however, Chomsky and Halle (1968) for a complete discussion of the relationships among linguistic components; and Dulay, Hernandez-Chavez, and Burt (1978) for an introduction to second language phonological acquisition.

[5]This phenomenon occurs even in reference to the standard language alone. Additional differences exist when we consider variation in social dialects.

were required (Larsen-Freeman, 1975). The results of that written study revealed an order for all six language groups studies radically different from the order that had characterized nearly every other L2 acquisition study, including the order obtained by Larsen-Freeman with her own subjects when she administered a communication task. Because other researchers had found an acquisition order for the written mode which paralleled the order observed in oral studies when a communication task was used, the written mode could not be said to be responsible for Larsen-Freeman's unusual results.

Another recent study has provided additional support for the notion that task focus affects the order obtained. Krashen and his students at the University of Southern Californa (Krashen and others, 1977) administered Larsen-Freeman's written linguistic manipulation task to some 30 adult students enrolled in the University of Southern California's English program and found an order very similar to Larsen-Freeman's order. This "linguistic manipulation order" was unrelated to the natural and stable acquisition order observed by Krashen (1977), Fuller (1978), and Anderson (1976), among others, for their subjects' written production. It seems, then, that linguistic manipulation tasks result in language qualitatively different in certain respects from that produced in natural communication tasks.

Table 1 provides a comparison of natural communication and linguistic manipulation tasks in terms of their definitions, advantages, and disadvantages as to their appropriateness and efficacy as indicators of linguistic proficiency.

Natural communication tasks include structured and nonstructured communication (see Table 2); linguistic manipulation tasks include imitation, translation, substitution, completion, and others.

Natural communication tasks may be structured or not according to the focus and intent of the tester or researcher. If the goal is to elicit a specified range of structures naturally yet within a limit time span (five or ten minutes), a structured communication task is more appropriate. If, however, one is interested in language produced in an unplanned fashion (as far as the elicitation of specific structures is concerned), as in free conversation among children or between children and adults or adults with each other, and if one is able to obtain enough language in this way so that a range of structures can be examined, a nonstructured communication task would be used (such as a brief composition on a selected topic or an open-ended interview about some topic of interest).

TABLE 1

Comparison of Two Major Types of Oral Language Elicitation Tasks: Natural Communication and Linguistic Manipulation

Item	Natural communication	Linguistic manipulation
Definition	Taps student's unconscious use of grammatical rules to produce utterances in a conversation Uses natural speech where student's focus is on communicating something	Taps student's conscious application of linguistic rules to perform a noncommunicative task Uses artificial "speech" where student's focus is on a given rule
Some types	Structured communication, nonstructured communication, and so on (see Table 3)	Imitation, translation, completion, transformation, substitution, and so on
Advantages	The language sample obtained represents natural communication, the skill that is ultimately being assessed. The task is virtually free of confounding task biases.	Target structures seem to be readily obtained.
Disadvantages	Certain structures are extremely difficult to elicit naturally; e.g., perfect tenses (*had seen*).	Confounds conscious knowledge and use of grammar rules with ability to use the language for communication; results in qualitatively different language than communication tasks

SOURCE: H. Dulay, E. Hernandez-Chavez, and M. Burt (1978).

Whether one chooses a structured or nonstructured communication task for language assessment, it seems clear that the language produced in a communication task is qualitatively and systematically different in important respects from that produced by using a linguistic manipulation task. It is not at all clear how the results of a linguistic manipulation task relate to a student's overall communicative proficiency, leaving the validity of linguistic manipulation tasks in some doubt if their results are to be used as an indicator of general level of communicative ability or proficiency. Their use for other purposes, however, such as determining the level of metalinguistic awareness, might be taken into consideration. Unfortunately, the relation between metalinguistic awareness and actual communicative proficiency is not yet understood.

Exclusion of Negative Cultural Bias

For linguistic proficiency and knowledge of the world not to be confounded, the content of a language measure (the concepts and activities depicted in the pictures or referred to in the questions) must not be outside the experience of the students being tested nor inconsistent with their cultural customs and values. For example, a northern winter scene might include pictures of skis, sleds, a snowman, and a snowball fight. If such pictures are included as stimuli, students who have never experienced a northern winter would be penalized unfairly when they are unable to answer questions based on these unfamiliar things. Likewise, a green banana represents an unripe banana to some people; but to others it represents a variety of banana used for cooking. Thus, if the target adjectives to be scored for green and yellow bananas included *unripe* and *ripe*, some students would be unfairly penalized; their failure to include the desired adjectives would not be due to a language deficiency but to a perception of bananas that is different from the test constructor's perception. Likewise, students unfamiliar with penguins will not be able to answer correctly questions such as Do penguins waddle? Responses to test items that rely on unfamiliar content or that assume only one of several possible interpretations do not reflect general language ability but merely indicate the child's exposure to that particular content.

Adherence to Psychometric Requirements

In addition to the above criteria, which are unique to language testing, language proficiency and dominance instruments must also meet reliability, validity,

TABLE 2

Comparison of Structured and Nonstructured Natural Communication Tasks

Item	Structured communication	Nonstructured communication
Definition	Natural conversation between student and examiner in which examiner asks student specific questions designed to elicit target structures naturally and systematically	Natural conversation between student and examiner or other person in which no intent exists to elicit specific structures
Advantages	Target structures may be elicited selectively and quickly; more efficient than nonstructured communication.	Structures that are difficult to elicit with specific questions may be offered by subjects spontaneously.
Disadvantages	Not all structures are easily elicited; e.g., yes-no questions.	A great deal of speech must usually be collected before a sufficient range of structures is used by the student to permit assessment of linguistic proficiency. One cannot make any statements about the student's control over structures not offered during the collection periods (because one cannot be certain why a structure was not offered; i.e., whether the situations did not require it or whether the student did not know it).

SOURCE: H. Dulay, E. Hernandez-Chavez, and M. Burt (1978).

and field-testing requirements. These criteria are beyond the scope of this paper; however, they have been discussed extensively elsewhere (see for example, Burt, Dulay, and Hernandez-Chavez, 1976, for language testing specifically; Thorndike and Hagen, 1969; and the general testing literature for testing in general).

BILINGUAL INSTRUCTIONAL PROGRAMS FOR LES/NES STUDENTS

Bilingual instruction can take many forms according to the characteristics and goals of the students it serves. Bilingual programs for students who are equally proficient in English and their primary language or who are English dominant will have different characteristics than those for LES/NES students, given the different needs of these student populations. In accordance with the charge given by the California State Department of Education, issues and recommendations designed to enhance the effectiveness of programs for LES/NES students are focused on here.

At least two major goals essential for the academic survival of LES/NES students guide the development of bilingual instructional programs. The programs must ensure students' acquisition of (1) basic skills as in mathematics and achievement in such subject areas as science and social studies at a level comparable to that of their English-speaking counterparts; and (2) proficiency in English.[6]

The integration of these goals into a cohesive instructional strategy is a complex undertaking involving the synthesis of language learning principles, academic achievement priorities, and legal guidelines. It is from this multifaceted perspective that several aspects of bilingual instructional programs are discussed in this section, including (1) the language used for subject-matter instruction; (2) educationally sound student groupings in relation to legal requirements preventing ethnic identifiability; and (3) the quality of English instruction.

In addition, comments are made as to the need for a greater variety of educational offerings to accommodate LES/NES students with exceptional needs, such as the handicapped, the illiterate, and the gifted. Finally, the effectiveness of bilingual instruction on student academic performance, as found in the available research and evaluation literature, is discussed briefly.

[6]See Fernandez, 1977, for a discussion of other goals of current bilingual programs.

Language Used in Subject-Matter Instruction[7]

Several bilingual instructional strategies have been developed over the years in attempts to address the goals of academic achievement and English acquisition simultaneously. The strategies seem, in fact, to be designed to answer a question bilingual education program planners often ask. That is, What is the fastest way to teach English while at the same time promoting the student's advancement in subject matter and basic skills? With the aid of theory and research in second language acquisition accumulated over the past decade, certain instructional methods currently used to help accomplish these goals will be examined.

Current Research

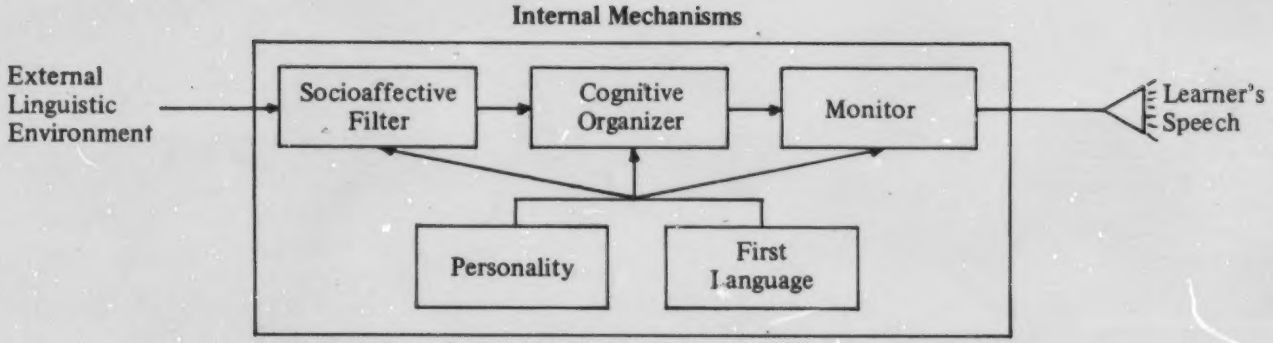
In second language (L2) acquisition research, convincing evidence has been accumulated to support the existence of a *socioaffective filter,* one believed to operate during language acquisition.[8] This construct has been posited to account for selective learning, which has been observed in learners of a second language or dialect.

All second language teachers already know that their students do not learn all of the language to which they are exposed. This lack of learning, however, is not necessarily traceable to learning problems or to recalcitrance. Many times, selective learning is taking place, and the selecting mechanisms include what is referred to as the socioaffective filter. For this construct to be placed in perspective, a sketch of the current model of the creative construction process in L2 acquisition is presented. (See Figure 2.)

In Figure 2 the term *external linguistic environment* refers to language input. It encompasses all the language in its sociolinguistic contexts to which the learner is exposed, including, of course, the classroom. The term *learner's speech,* on the other hand, refers to the language output—that is, the language actually produced by learners. In the large center box, labeled *internal mechanisms,* are the five internal unconscious and nonobservable factors that have been proposed to account for the differences between language input and output. (These factors are discussed in detail in Dulay, Burt, and Krashen, 1979.) As the model indicates, the socioaffective filter is the first hurdle incoming language data must overcome to be processed further. And, as the term *filter* indicates, not all language input data pass through the socioaffective filter for further processing.

[7]Parts of this section were presented at the Georgetown University Roundtable on Languages and Linguistics: International Dimension of Bilingual Education, Washington, D.C., March, 1978.

[8]The term *socioaffective filter* is explained in detail further on in this section.



SOURCE: H. Dulay, E. Hernandez-Chavez, and M. Burt (1978).

Fig. 2. Working model for some aspects of creative construction in language acquisition

The socioaffective filter is not a new construct. It refers to the motives, needs, attitudes or emotional states of the learner. As the term suggests, these filter the language input that is processed by the learner and affect the rate and quality of language acquisition.

The *socio* part of the term *socioaffective* represents the social referents that give shape to learners' motivations to learn a new language and their attitudes towards the speakers of that language. For example, if a person is learning English just to pass a school requirement, it is not likely that much English will be acquired. On the other hand, a desire to become an English teacher or to live and work in San Francisco may yield different results. Specific motives, needs, and attitudes underlying second language acquisition take their shape from the niche in society that the individual occupies or wishes to occupy and the social activities the learner engages in or wishes to engage in. The *affect* part of the term *socioaffective* represents the emotional states—anxiety, relaxation, anger, or trust, among others—that affect the manner in which one approaches the task of learning and using a new language.

In L2 acquisition it seems likely that the socioaffective filter contributes to at least three manifestations of selective learning; that is, (1) the learner's preferences for certain input models over others;[9] (2) the learner's acquisition of certain aspects of language before others; and (3) the learner's (subconscious) determination of the point at which language acquisition efforts should cease.

According to various criteria a learner will tune in or tune out certain speakers of the language. As illustrations of this phenomenon, a few examples of learner preferences for certain input models over others are presented. A review of the second language research literature shows that the clearest examples of affective filtering of input involve an apparent preference for certain speaker models over others under certain circumstances; for example, preference for peers over teachers, peers over parents, and one's own ethnic group members over nonmembers.

The preference for certain models is clearly demonstrated when learners acquire one of two dialects to which they are exposed in daily communication. For example, a seven-year-old Japanese-speaking boy who had immigrated to Hawaii was observed to learn the Hawaiian Creole English of his age-mates rather than the standard English of his teachers during his first school year. When he moved to a middle-class neighborhood in the following year, however, he quickly picked up the standard English that his new friends spoke (Milon, 1975). In explaining this phenomenon, the researcher states that "there is no question that the first dialect of English these young immigrant children learn is the dialect of their peers and that they learn it from their peers. If they learn productive control of the dialect of their teachers, it is not until later . . . " (Milon, 1975, p. 159).

A similar example, in this case showing first language learners' preference for peers' speech over that of their parents, is provided by Stewart (see Dale, 1976, p. 281). Stewart reports that the black children he studied in Washington, D.C., learned the dialect used by their peers (a dialect of black English very different from standard English) rather than the dialect used by their parents (a dialect of black English closest to Washington, D.C., standard English). Likewise, Labov (1972) found that both black and white children in a middle-class area of northeastern New Jersey learned to pronounce the *r's* before consonants as their New Jersey friends did rather than drop the *r's* as their New York-raised parents did. These data, too, show "that children learn more language behavior from members of their own peer group than from their parents . . . " (Dale, 1976, p. 281).

[9] *Input model* refers to target-language speakers with whom the learner comes into contact.

Finally, Benton (1964) reports that Maori children learn the English dialect of their own ethnic group rather than standard New Zealand English. In some cases this model preference is consciously articulated:

> One teacher reported that a Maori child had told her: "Maoris say 'Who's your name,' so that's what I say." Maori English is often an important sign of group membership and a source of security for these children. (Benton, 1964, p. 93; Richards, 1974, p. 169)

In addition to screening out certain language input models, the socioaffective filter also seems to result in learners selecting certain types of phrases or vocabulary items to learn and use in preference to others; for example, phrases and sentences essential for social participation are learned by children before those that are not in the first stages of L2 acquisition. Phrases and sentences such as *It's my turn* and *Pass the ball* and a variety of others are attended to and learned early by beginning L2 learners to the exclusion of other aspects of language.

Third, the socioaffective filter seems to be involved when some learners will (apparently) stop acquiring the target language at a point before they reach native-like proficiency but after they have acquired enough to communicate; for example, the use of pidgin languages by communities that rarely interact socially with target language speakers. Or, in the United States, some adult learners seem to stop improving in their English proficiency at the point where they can communicate freely but still do not control the grammatical niceties of English. These kinds of behavior may be attributed to the operation of socioaffective filtering which significantly reduces the input data made accessible to the learner's cognitive learning mechanisms.

Educational Implications

It seems reasonable to expect that a similar filtering takes place in bilingual education subject-matter classes taught by using English to present the same content or information presented in the student's primary language. When core subject matter is taught to LES/NES students in two languages at once (as in the concurrent method), or in one language after another (as in the preview-review method), students probably filter out the language they do not understand in favor of the language they do understand. In other words, much of the English used to present the same content a second time is probably filtered out because it has no function in communication. Little motivation exists to exert extra effort to attend to information presented in a new language when students have either just heard it in their native language or know that the same content will soon be presented in their native language.

Using English together with the LES/NES student's native language during the time set aside for subject-matter instruction probably results in the student's being deprived of valuable subject-matter instruction time to the extent that English is used. Moreover, the English to which students are exposed in such situations may not be attended to; and thus, the student's gain in English through these methods is probably not worth the loss in subject-matter learning. To be effective, English instruction cannot simply consist of repeating information students have just heard in their own language. The substance of the English classes must complement or add to that of the subject-matter classes if students are to be expected to pay attention. Furthermore, the exposure to English must be structured and tailored to the level of the students' proficiency. These needs cannot easily be, nor were they intended to be, accommodated by subject-matter teachers. The responsibility for the teaching of English falls to a well-designed ESL program for LES/NES students, the focus of which is the effective teaching of English.[10]

It is not necessary nor educationally sound to compromise subject-matter development for LES/NES students in the name of teaching English, especially when other methods to facilitate English acquisition are available. Given the possibility that the language alternation methods used in subject-matter classes may not contribute sufficiently to either educational goal for LES/NES students mentioned earlier (the development of subject-matter skills and the acquisition of English proficiency), it may be asked whether the result might not be an increasing number of bilingual underachievers—students who speak both English and Spanish but whose subject-matter achievement is below grade level.[11]

Regulations on Grouping of LES/NES Students

The recommendation that only the primary language of LES/NES students be used for the purpose of teaching subject-matter and basic skills assumes, of course, that the LES/NES students will be grouped together for instruction. At first glance such grouping may appear to violate federal and state regulations prohibiting racially or ethnically identifiable student

[10]The substance of the English program could, of course (and probably should), include content drawn from the subject-matter curriculum. This activity would be *supplementary*, however, and students in the ESL classes would not be expected to acquire knowledge of abstract subject matter through English. (That knowledge would be acquired in the subject-matter classes through the student's native language.)

[11]Of course, if students have attained proficiency in both the languages used as media of instruction, then language alternation methods for subject-matter instruction may be appropriate and effective in maintaining and developing a student's bilingual skills provided that lessons (or parts of lessons) in one language are not repetitions of those already presented in another.

groupings. If properly implemented, however, grouping by first language for subject-matter instruction appears to be well within the intent of both federal and state requirements, as an examination of the requirements will show.

Approach Under Lau Guidelines

HEW's Title VI regulations,[12] the HEW May 25, 1970, memorandum,[13] and the Equal Educational Opportunity Act of 1974[14] all clearly bar segregation and separate treatment;[15] but none should be read as precluding bilingual programs in schools attended predominantly by minority students. The *Lau* guidelines prohibit the creation of and, arguably, the perpetuation of, ethnically identifiable schools to meet the special language needs of children of national origin minority groups.[16] But the guidelines do not prohibit maintaining existing bilingual programs in ethnically identifiable schools that have not been created or maintained through unlawful practices.

The *Lau* guidelines also discuss classes within schools, although they state that bilingual programs "do not justify the existence of racially/ethnically isolated or identifiable classes per se." This requirement should not be read as precluding classes solely composed of students from one language minority group. What is barred is programs that fail to rectify English language deficiencies and instead separate and exclude students without a valid justification. This purpose is carried out by incorporating existing Emergency School Aid Act (ESAA) and Title VI regulations into the *Lau* guidelines.[17] Under the applicable ESAA regulations,[18] schools which assign students to or within classes in a manner resulting "in the separation of minority group from nonminority group children for a substantial portion of the school day" are ineligible for ESAA funding.[19] These regulations interpret *substantial* separation as separation "for more than 25 percent of the school day classroom periods."[20] Thus, where the educationally unjustified separation lasts for more than 25 percent of the day, the presumption is raised that classroom or tracking assignments are impermissibly based on race, color, or national origin.[21]

Bona fide ability groupings, however, are exempted from this presumption and prohibition.[22] A bona fide ability grouping must meet four requirements:

1. Placement in the group must be based on educationally relevant, nondiscriminatory objective standards of measurement.
2. The grouping must be maintained during the school day for only as long as necessary.
3. The grouping must be designed to meet the student's special needs and to improve academic achievement and performance through specially developed curricula taught by specially trained instructional personnel.
4. The grouping must be shown through objective testing to be educationally beneficial.

Bona fide bilingual programs that separate minority from nonminority students for more than 25 percent of the school day should satisfy the ESAA requirements.[23]

The *Lau* guidelines strike a balance between the competing objectives of effective educational opportunity and classroom diversity by borrowing a procedure first advanced in the ESAA regulations. For those courses into which students are grouped for valid educational reasons, the resultant and incidental isolation does not violate the law. Bilingual programs do and can occur without much isolation. However, for those courses or periods of the day where no such justification exists (e.g., gym, music, art, recess,

[12]The 1968 regulations provide, in part, that a recipient of federal funds may not, on the grounds of race, color, or national origin, "subject an individual to segregation or separate treatment."

[13]The May 25, 1970, memorandum directs that " . . . any ability grouping or tracking system employed by the school system to deal with the special language needs of national origin minority group children must be designed to meet such language skill needs as soon as possible and must not operate as an educational dead end or permanent track."

[14]Section 204(a) of the Equal Educational Opportunity Act of 1974, 20 U.S.C. §1703(a) provides that: "No state shall deny equal educational opportunity to an individual on account of his or her race, color, sex, or national origin, by . . . the deliberate segregation by an educational agency of students on the basis of race, color, or national origin among or within schools."

[15]45 C.F.R. §80.5(b).

[16]"It is not educationally necessary nor legally permissible to create racially/ethnically identifiable schools in order to respond to student language characteristics as specified in the programs described herein" (*Lau* guidelines [Section A]).

[17]Id. at Part VI(B).

[18]ESAA provides federal financial assistance to local educational agencies that seek to eliminate minority group segregation and discrimination in elementary and secondary schools and to overcome the educational disadvantages resulting from minority group isolation: 20 U.S.C. §1607(c)(1)(A) (Supp. V. 1975); 20 U.S.C. §1606(a)(6) (Supp. V. 1975).

[19]20 U.S.C. §1605(d)(1)(C) (Supp. V. 1975).

[20]45 C.F.R. §185.43(c) (1976).

[21]45 C.F.R. §185.43(d)(5) (1976).

[22]C.F.R. 195.43(c) (1976); 20 U.S.C. §1605(d)(1)(C) (Supp. V. 1975).

[23]There is one caveat, however. The regulations provide that the device used to group children of national origin minority groups must "not essentially measure English language skills" (45 C.F.R. §185.43(c)(1) (1976). This proviso was intended to avoid the use of English language skills as a negative criterion. This single provision cannot reasonably be read to rule out bilingual classes as bona fide ability groupings. The identification of students who need bilingual education obviously requires the measurement of English language skills. Significantly, the ESAA regulations bar funding under the Act to local educational agencies "denying equality of educational opportunity . . . on the basis of language or cultural background" (45 C.F.R. §185.43(d)(2) (1976).

lunch), continued ethnic isolation of bilingual program children may violate the *Lau* guidelines, the Civil Rights Act of 1964, and the Equal Educational Act of 1974.[24] For example, a school district in which all of the children in a bilingual program are sent to the same music or art class at the same time and no mainstream classroom children are sent to the same gym class will receive no protection from an alleged violation of Title VI under a rationale of educational justification.[25]

Approach Under AB 1329

In promulgating AB 1329/1976, California chose another approach to reducing the harm of ethnic isolation. The legislation focused on what happens in the bilingual class itself. Education Code Section 52167 states:

> In classes established pursuant to Section 52165, no more than two-thirds of the pupils enrolled shall be limited-English-speaking pupils; provided, that where the proportion of limited-English-speaking pupils in the school exceeds two-thirds, the proportion of limited-English-speaking pupils in such classes may exceed the proportion of limited-English-speaking pupils in the school by no more than 10 percent. In no event shall the primary purpose of the program be to teach a foreign language to English-speaking pupils.

It must be noted that, by focusing on integrating fluent English-speaking students with limited-English-speaking students, the state provision only indirectly addresses the concern of ethnic isolation. The reason is that English abilities are not immutable characteristics, nor are they within the exclusive province of any one racial or ethnic group. A class with an equal number of fluent English speakers may still be exclusively composed of nonwhite minority students. In addition, reserving one-third of the seats in each bilingual classroom for fluent English speakers may result in limiting access of limited-English speakers to the services of a bilingual program. This situation is especially possible when a shortage of bilingual teachers limits the number of bilingual classes and not all students in need of bilingual programs are offered classes. In attempts to honor a two-third/one-third mandate, some limited-English speakers may be excluded. When a shortage of bilingual teachers occurs, the state's approach may cause school districts to breach the federal obligations to limited-English speakers. When sufficient numbers of teachers are available to serve all limited-English speakers, this conflict would no longer exist.

Several advantages exist in the AB 1329 approach. First, the likelihood of suffering the harmful consequences of ethnic isolation is reduced. Second, the limited-English speaker is much more likely to be exposed to fluent English conversation. (This advantage is consistent with the objectives of Title VII of the Elementary and Secondary Education Act.)[26] Third, to the extent that the state's approach results in ethnic/racial integration, the concern of some that bilingual education will lead to divisions within communities along rigid ethnic/racial lines is blunted. Fourth, bilingual education should benefit all ethnic groups and persons participating in it, not just limited-English-speaking children. Ideally, bilingual programs should not be strictly compensatory for some but educationally and culturally enriching for all. Thus, the more expansive goals of bilingual education are likely to be met through AB 1329.

Quality of English Instruction[27]

Much of the English teaching methodology in use today, whether in bilingual or monolingual programs, has not yet caught up with current theory and research on the learning of a second language. A recent review of the major ESL curriculum series for elementary students and a survey of 40 ESL teachers (both conducted by the authors) revealed a heavy reliance in curriculum materials on pattern drills, repetition, imitation, and contrastive analysis. The teacher survey further revealed a dissatisfaction on the part of many of the teachers with the curriculum materials and strategies available to them. Many mentioned the need to improvise to compensate for shortcomings in the curriculum. In this section are presented aspects of current second language acquisition research in an effort to stimulate the restructuring of strategies, techniques, and materials used to facilitate the acquisition of English by LES/NES students.

First Language Interference

If one were to designate a "villain" in the second language learning drama, the undisputed choice would surely be the learner's first language. The term *interference* is used to refer to second language errors that reflect first language structure. The first language is often thought to get in the way of progress, to inter-

[24] *Cintron* v. *Brentwood Union Free School District*, No. 77-C-1370, E.D.N.Y., January 10, 1978, at 11—12.

[25] Id.

[26] "In such courses or subjects of study as art, music, and physical education, a program of bilingual education shall make provision for the participation of the children of limited speaking ability in regular classes" (§123.02 subd. G2[2]).

[27] Parts of this section were presented at the Georgetown University Roundtable on Language and Linguistics: International Dimension of Bilingual Education, Washington, D.C., March, 1978.

fere with the learner's production of correct second language sentences.

This view has its roots as much in common sense as in behaviorist psychology. If one hears a Latino adult saying, "I have 33 years," one might reason that the substitution of *have* for *am* was induced by the speaker's native language, Spanish. Furthermore, one might speculate that, whenever the person's first language differed from English, the learner would have trouble; that is, the learner would automatically tend to use native language structure and thereby make an error. This commonsense notion has been given a name in behaviorist psychology—*negative transfer.*

A closer look at what second language learners really do, however, is beginning to vindicate the first language. From all the data currently available, it seems that the first language is really a help rather than a hindrance. It is not an interference but an option of last resort. The change in the perceived role of the first language began with the observation that the number of errors in second language performance that could be attributed to first language influence was far smaller than had previously been imagined. In the first empirical study undertaken in which the grammatical errors made by children were actually counted and classified, less than 5 percent were found to reflect the children's first language (Dulay and Burt, 1974). Since this initial finding, numerous studies have been conducted to determine the incidence of *interlingual* errors (those reflecting the first language) and *developmental* errors (those similar to errors made by first language learners) in the speech and writing of children and adults learning English as a second language. All the research studies conducted to date have reached the same conclusion; namely, that the great majority of errors made by children and adults are not interlingual but developmental. A brief summary of these studies follows:

1. *Child studies.* In Dulay and Burt's (1974) initial study of the natural speech of children, an analysis of more than 500 grammatical errors made by 179 children learning English in U.S. schools (in New York and in northern California) revealed that less than 5 percent of the errors observed reflected the children's first language, Spanish. Since then, other empirical studies have also shown the limited reliance children place on the structure of the mother tongue when learning the second language in a host environment. For example, studies of Japanese-speaking children learning English in Hawaii and in the United States (Milon, 1974; and Gillis and Weber, 1976, respectively), or of French-speaking and Greek-speaking children learning English in the U.S. (Venable, 1974) are typical examples of empirical studies in which the actual incidence of interlingual errors observed was negligible. Such findings are not limited to children who are learning English as a second language. Native English-speaking children abroad have been observed acquiring languages as diverse as Welsh in Wales (Price, 1968); French in Geneva, Switzerland (Ervin-Tripp, 1974); Spanish in an immersion program in the United States (Boyd, 1975); German in Kiel, West Germany (Wode, 1976); and Urdu in Pakistan (Hansen-Bede, 1975).

   These researchers all made a point of commenting on the very low incidence of interlingual errors. Most of the errors observed appeared to be developmental—of the sort that might be made by children learning those languages as their first language. (See the next section for further discussion.) Although a 5 percent incidence of interlingual errors does not mean that no grammatical errors reflect first language structure, it is certain that an almost insignificant portion of the total number of errors children have been observed to make while learning to speak English are other than developmental.
2. *Adult studies.* Studies conducted on the speech and writing of adults learning English as a second language have reached similar conclusions; namely, that the majority of nonphonological errors observed for adults do not reflect the first language of the adults either. The proportion of errors that reflect the first language, however, is somewhat larger than that which has been observed for children. Approximately 8 percent to 23 percent of the adult errors may be classified as interlingual. Though this proportion is larger than that for children, it still represents a minority of the total errors made by adults. Researchers include White (1977), who studied the speech of adults learning English in the United States, and LoCoco (1975, 1976), who studied proportions of interlingual and other error types in the compositions of native English-speaking adults enrolled in university courses in Spanish and German in the United States.[28]

Other researchers (who did not conduct complete counts but examined error types nevertheless) have also commented on relatively small numbers of interlingual errors in their observations. An Arabic speaker learning English in the U.S. (Hanania and Gradman, 1977) and French speakers learning English in Quebec (D'Anglejan and Tucker, 1975) have been studied, as well as native English-speaking students observed in a

[28]Studies that suffer from serious methodological flaws (e.g., the use of timed translation tests) have not been included here because results cannot be reported with confidence.

French foreign language class in a Midwestern university (Valdman, 1975). Even studies that appear to focus on the description of interlingual errors did not find a majority of that error type (e.g., Scott and Tucker, 1974, who studied Arabic-speaking students learning English at the American University of Beirut).

For second language learners, then, the available empirical evidence suggests that error types reflecting the structure of the learner's first language are clearly in the minority, comprising only about 5 percent of child errors and 8 percent to 23 percent of the total number of grammatical errors made by adults. These findings do not seem to justify the major emphasis in current ESL and bilingual teacher training procedures on the occurrence and eradication of interference errors. The heavy reliance in training programs on the contrastive analysis of the grammars of English and the student's first language, for the purpose of predicting where difficulties or errors are likely to occur, is not empirically justifiable. Furthermore, some evidence suggests that the interlingual errors that occur are occasioned by less-than-natural language environments; by older learners consciously resorting to translation when required to produce the second language before they are ready; and by other factors, none of which appears to include the interference of the first language on second language behavior. (See Dulay and others, 1979, for further discussion.)

Finally, even if the small number of interlingual errors observed were considered worthy of special attention, the available research on error correction suggests that neither correction techniques nor heavy drilling does much to affect the quality of student speech (Hendrickson, 1977; Plann, 1977; Cohen and Robbins, 1976). Thus, whatever attention is given the small number of interlingual errors that appear to occur, it is not likely that the correction or drilling procedures currently suggested by the contrastive analysis tenets are likely to lead to much change in students' verbal performance.

Second Language Acquisition

At the same time as the notion of interference has been losing its value for second language learning, the discovery of basic *similarities* in the second language speech produced by children and adults of different first languages has generated tremendous enthusiasm and numerous empirical investigations. Much of the speech of second language learners—including children and adults from different language backgrounds—exhibits important similarities in three aspects of grammar; that is, (1) error types; (2) steps in the acquisition of basic syntactic structures; and (3) the order of acquisition of a subset of English structures. Although lack of space does not permit in-depth presentation and discussion of the available data, a brief summary of some of the key findings in each area is presented as an overview of what second language learners have been observed to do when learning English as a second language. Such information should be helpful in the development of training programs more consistent with what is known about the second language learning process:

1. *Error types.* Perhaps the major significance of the study of L2 errors to date has been the discovery of a striking similarity between the errors made by learners of a second language and those made by first language learners. The observed similarities provided the first inklings that the kind of mental process responsible for the learning of a first language may also underlie the learning of a second language. For example, in the earliest stages of first language development, children produce primarily content words (nouns, verbs, and adjectives) and omit grammatical morphemes (articles, prepositions, and morphological elements) as adults do when they compose telegrams: *He throw marble* (child) or *Send money urgent* (adult). The systematic omission of grammatical morphemes in early "telegraphic" speech is also a characteristic of the speech of L2 learners.

   Overregularization is another error type that occurs in the speech of both first and second language learners. For example, forms such as *mans* and *feets* (the overregularization of the English plural *-s*) are typical occurrences in the speech of both first and second language learners. Other such "creative" errors include the use of archiforms (one form that does the work of several; e.g., *one* for *I* and *me*); the *alternating use of the members of a class* (such as past tenses for past participles; e.g., *I seen her yesterday*); *double markings* (such as double past; e.g., *He didn't went*); and certain misorderings. (These errors are described in detail in Dulay, Hernandez-Chavez, and Burt, 1978; and in numerous articles in the L2 literature.)

2. *Steps in the acquisition of basic structures.* A number of research studies have been conducted to determine the steps L2 learners go through in acquiring structures such as English negation, simple and embedded wh-questions, and reflexive pronouns. As shown in tables 3 through 6, learners from languages as diverse as Spanish and Japanese have been observed to follow similar steps as they acquire the basics of negation, simple wh-questions, embedded wh-questions,

and reflexives. Not insignificantly, the basic steps are quite similar to those observed by researchers studying children learning English as their first language (although some differences most likely due to the greater cognitive maturity of L2 learners are discernible). Tables 3 through 6 illustrate the major turning points that have been observed.[29]

3. *Order of acquisition of English structures.* Of the areas of recent L2 acquisition research, the study of the acquisition order of grammatical structures has probably generated the most excitement. Particularly exciting is the finding that 12 structures of English appear to be acquired in a similar order by children of different language backgrounds and by adults as well. Figure 3 illustrates the structures studied and the order in which they were acquired by more than 500 children of Spanish and Chinese language background across ten states in the U.S. (Dulay and Burt, 1975). Numerous studies have replicated much of this basic acquisition order when the language elicited represented natural communication (both oral and written). Studies have been made of Korean-speaking and Spanish-speaking children (Fathman, 1975); a Vietnamese-speaking child (Kessler and Idar, 1977); as well as adults of various language backgrounds (Bailey, Madden, and Krashen, 1974, and Krashen, Madden, and Bailey, 1975, who studied adults from 12 different language backgrounds). Other investigators included Larsen-Freeman (1975), who included adults from four language backgrounds; Andersen (1976), whose subjects were of Hispanic background; and Fuller (1978), whose study included adults from 16 language backgrounds. All these studies, and others, have found that the order in which these basic structures of English are acquired is very similar for all the language groups studied.[30]

In sum, basic similarities characterize the acquisition of English by second language learners of different language backgrounds in terms of (1) types of errors; (2) steps in the acquisition of certain structures; and (3) the acquisition order of a subset of English structures. The existence of similarities in the verbal output of second language learners of different

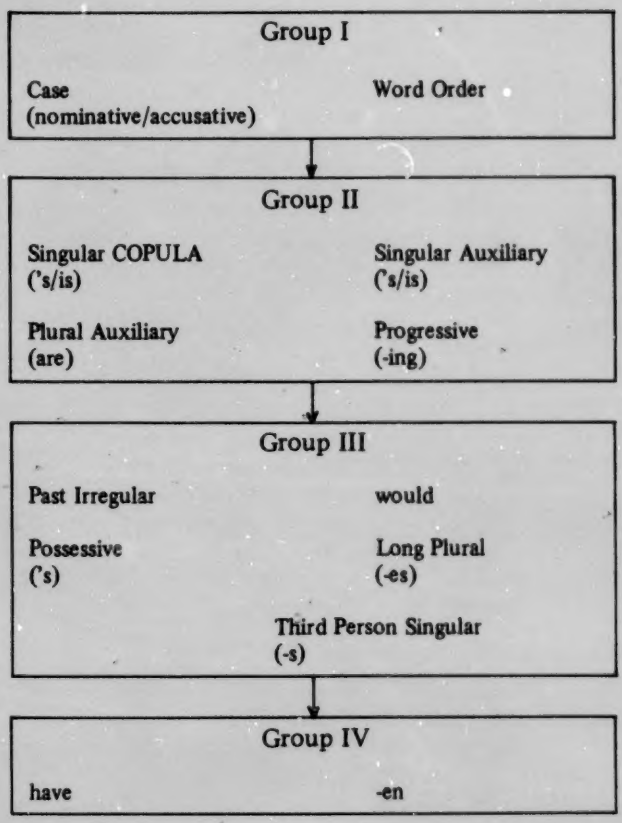


Fig. 3. Acquisition hierarchy

first language backgrounds points to the existence of universal mental mechanisms that guide the second language acquisition process, influencing the manner in which students process and finally learn what language they are exposed to.

These findings, which have accumulated over the last decade, have contributed to the gradual development of principles of second language acquisition that differ radically from the habit formation principles formulated in the 1950s. It seems clear that a second language is acquired to a large extent through the "creative construction" of the new language by the learner; that is, through the learner's systematic and gradual reconstruction of the rules of the language. Environmental conditions such as classroom features and teaching method become maximally effective only when they are in tune with the developmental processes of language acquisition.

Implications for Instruction

Because these theoretical advances are relatively new and little government emphasis has been placed on the improvement of ESL methods and materials,

[29]There are, of course, minor differences among individual learners within and across the language groups. The similarities among learners of different language groups, however, far outweigh the differences among them, as the tables indicate.

[30]Some researchers have focused on possible differences in the acquisition order, but, to date, the similarities found far outnumber apparent differences.

TABLE 3

Some Intermediate Steps in the Acquisition of Negation

First language acquisition	Second language acquisition				
(Klima and Bellugi, 1966)	L_1 – Norwegian (Ravem, 1974)	L_1 – Japanese (Milon, 1974; Billis and Weber, 1976)	L_1 – Spanish (Hernandez-Chavez, 1972; Cazden et al., 1975)	L_1 – German (Wode, 1976)	L_1 – Arabic (Adult) (Hanania and Gradman, 1976)
Stage 1 $S \rightarrow \left(\begin{matrix}\text{no}\\ \text{not}\end{matrix}\right)$–Nucleus–$\left(\begin{matrix}\text{no}\\ \text{not}\end{matrix}\right)$	Step 1[a]	Step 1	Step 1	Step 1	Step 1
Examples:					
No wipe finger.	Not like it now.	Not me.	No milk.	No, you.	No, English.
Not a teddy bear.	Not ready.	Not dog.	No sleeping.	No play baseball.	Not raining.
Wear mitten no.	No, no like it.	Not cold.			Not here.
Stage 2 $S \rightarrow$ Nom–Aux^{neg}–$\left(\begin{matrix}\text{Predicate}\\ \text{Main verb}\end{matrix}\right)$	Step 2	Step 2	Step 2	Step 2	Step 2
Examples:					
I don't sit on Cromer coffee.	I not this way.	I no queen.	I no like this one.		
He not little, he big.	I not like that.	I not give you candy.	I no know it.		
He no bite you.	Dolly "er" not here.	I no more five.	I not dumb.	–	
		Don't tell teacher, OK?	I don't can explain.		
Stage 3 $S \rightarrow$ Nom–Aux–$\left(\begin{matrix}\text{Predicate}\\ \text{Main verb}\end{matrix}\right)$ Aux $\rightarrow$ T–V^{aux}–(Neg)	Step 3	Step 3	Step 3	Step 3	Step 3
Examples:					
No, it isn't.	No, I didn't.	You're not playing it.	I'm not scare ghost.	Lunch is no ready.	
That was not me.	I haven't seen this afore.	No, they're not white.	They didn't have time.	I didn't can close it.	
I didn't caught it.	You can't have this back.			I cannot hit the ball.	

SOURCE: H. Dulay, E. Hernandez-Chavez, and M. Burt (1978).

[a] Although Klima and Bellugi's "stages" for L_1 learners are defined by mean length of utterance (MLU), L_2 researchers have not usually done so. Instead, they report the steps observed as learners acquire the second language regardless of MLU. Therefore, the term *step* rather than *stage* is used here.

TABLE 4

Some Intermediate Steps in the Acquisition of *Wh*-Questions by Children and One Adult: L_1 and L_2

Intermediate steps	L_1 – English (Klima and Bellugi, 1966)	L_1 – Norwegian (Ravem, 1974)	L_1 – Japanese (Gillis and Weber, 1976)	L_1 – Spanish (Cazden, et al., 1975)
Step 1 Virtually no auxiliaries.	Who that? Where milk go?	Where find it? Where er hers Mommy?	–	What you study?
Step 2 Some auxiliaries; plus modals (can, will). No inversion rule.	What he can ride in? Where the other Joe will drive?	What she is doing? Whosis that is?	This is a face? . . .What's that is?	–
Step 3 Inversion (of acquired auxiliaries); do-insertion for wh-questions not in control yet.	–	What are they? What are he doing now? Why can't you touch with your– with your hand?	Where's the start? What you did? Where I put the man?	How can you say it? Where you get that?
Step 4 Inversion of all acquired auxiliaries; do-insertion for wh-questions under control.	–	What did you talk to them?	How can I get this in? How do you do it?	Where do you live?

TABLE 5

Some Intermediate Steps in the Second Language Acquisition of Embedded *Wh*-Questions

Intermediate steps	L_1 – Spanish (Dulay and Burt, 1977; Cazden et al., 1975)	L_1 Keres (Dulay and Burt, 1977)	L_1 – Japanese (Hakuta, 1975)
Step 1 [S] + [wh-word–aux–NP]	I don't know where's the food. I don't know what are those. I know where are you going.	I don't know what's that.	I don't know where is it.
Step 2[a] [S] + [wh-word–aux–NP–aux]	I don't know where's the food is.	I know what's that is.	I don't know where is the woods is.
Step 3 [S] + [wh-word–NP–aux]	I don't know where the food is. I don't know what those are. I don't know what he had.	I know what that is.	I know where it is.

[a]No example for Step 2 involving the plural copula was found in the children's speech protocols.

TABLE 6

Some Intermediate Steps in the Acquisition of Reflexive Pronouns for First Language and Second Language

Intermediate steps	L_1 –English (Brown, 1973)	L_1 –Spanish (Dulay and Burt, 1977)	L_1 –Japanese (Hakuta, 1975)
Step 1 Reflexive pronoun–(*self* / (pronoun	–	(She see(s)) her. (He see(s)) him. (They see) them.	You have to make it self.
Step 2 Reflexive pronoun–pronoun [+ possessive] + *self*	hisself	. . .*herself* . . .*hisself* . . .*theirself*	You can write it with yourself. They have to do it with theirself.
Step 3 Reflexive pronoun–pronoun [+ accusative] [+ singular] + *self*	himself	. . .*herself*	–
Step 4 Reflexive pronoun–pronoun [+ accusative]	–	. . .*herself* . . .*himself* . . .*themself(s)/ves*	–

SOURCE: H. Dulay, E. Hernandez-Chavez, and M. Burt (1978)

woefully little has been done to develop new instructional strategies consistent with the principles of language learning. Most of the published ESL curriculum materials still rely heavily on drills based on imitation, repetition, and memorization of sentence patterns, practices that are completely out of step with language acquisition principles and that many ESL teachers have found do little to hold the interest or enhance the English proficiency of their students. It seems time, then, to step up efforts to improve the quality of English instruction in bilingual programs by vigorous efforts in curriculum development that reflect recent psycholinguistic advances. A few suggestions follow.

Creative construction in the language classroom means, in part, that during a significant part of the language class, natural communication situations are provided that allow learners to use their creative construction abilities to the fullest. A natural communication situation is not one where dialogues are memorized or students are asked unreal questions such as What am I doing? These kinds of activities are not appropriate because a natural communication situation is one where the focus of both the speaker and the listener is on the message being conveyed, not on the form of that message. This kind of situation is perhaps what is most conspicuously absent from most language teaching materials, and the reason is simple. English lessons are intended to teach the forms of the English language, not to convey information about the real world. The message is, therefore, secondary; and a look through most language lessons reveals that most carry no message at all, much less focus on one. If natural communication is to be provided in the classroom, focus must be placed on the message, not on the form of the message. This is not to say that there should be no focus on the form of the language at all but simply that, when natural communication is to be provided in a particular lesson, form must be de-emphasized. For example, one would not stop to correct grammatical errors; one would instead respond to the content of students' utterances.

Shifting focus from language form to the provision of natural communicative situations requires a different kind of lesson planning. From what is known about the acquisition process, it appears that a key criterion for a productive natural communication situation in an ESL (or any L2) class, at least for beginning students, is that the materials to be presented be visually demonstrable. That is, the students should not have to rely on the verbal instructions or comments to get the message. If they can deduce the message visually, they can infer the correspondence between the form of the language used and the message. Of course, this condition excludes a great number of topics that require verbal explanations to understand, such as the definition of inflation. However, it includes a variety of topics; for example, science experiments, games, or arts and crafts, which are activities in which principles can be demonstrated without having to rely on verbal communication.

The use of such topics would supplement and reinforce subject matter presented in a different and much more comprehensive manner in the subject-matter class. There are, of course, other techniques that provide opportunities for natural communication that teachers use already, such as games, role playing, and storytelling by means of pictures and films.

In addition to suggestions about the quality of specific components of bilingual instructional programs, concerns about their global aspects may be raised. Two of these aspects are discussed in the following sections. The need for a greater variety of educational offerings for LES/NES students is discussed first, followed by a discussion of the overall effectiveness of bilingual education on academic performance.

Variety in Bilingual Instructional Offerings

As bilingual education programs have begun to respond to the educational needs of "average" LES/NES students, it is becoming clear that great variety exists in the backgrounds and abilities of LES/NES students, just as one finds a range of abilities for English-speaking majority group students. That is, there are LES/NES students who are illiterate or who are mentally gifted or who have learning disabilities or communicative disorders. Such students cannot usually be accommodated within present bilingual education program designs. To the extent that bilingual education programs are not flexible enough and broad enough to help these students, all of whom require special attention, the students are not provided with the educational services they require.

One special subgroup consists of handicapped students. Although the actual numbers of LES/NES students requiring special educational services is not known, it must be substantial. Estimates made by the National Institute of Neurological Diseases and Stroke in 1967 indicated that 9 percent of all children in the United States suffer from communicative disorders of various types (approximately 3 million children). There is no reason to believe the proportion of LES/NES students suffering from communicative disorders is different. For California's estimated 290,000 LES/NES students, 9 percent represents 26,100 students.[31]

[31] *Language Dominance Survey*. Sacramento: California State Department of Education, 1976.

A second special subgroup within the LES/NES population are immigrant students in grade two and higher (the "post-literacy" grades) who have had no formal schooling in their mother countries and, as a consequence, are functionally illiterate. Obviously, the higher the grade level of such students, the greater the problem is of catching up. Special instruction in reading and other basic skills for those students should be conducted in the primary language in order to expedite the students' acquisition of these skills. Such instruction would be quite different from that offered to LES/NES students who had experienced substantial formal education and were performing at or above grade level in reading and other basic skills in their primary language. In addition to communicative disorders, mental retardation and emotional disorders handicap some LES/NES students, as they do native English speakers. Bilingual programs cannot presently offer the highly specialized services required by such students.

Another subgroup of LES/NES students who cause school personnel to be concerned are immigrant students, who, as one school district official put it, "know more than our kids will ever know in the twelfth grade." Because these highly educated or gifted students are perceived to have no educational need except to learn English, little is done to foster and develop their special conceptual abilities while they are learning English. Further, most primary language instruction available is geared toward LES/NES students who perform at a lower level.

Raising these issues at this time may be more frustrating than enlightening, given the fledgling status of most bilingual programs in the state. Nevertheless, the number of LES/NES students whose needs fall outside the scope of present bilingual services must be considerable, and long-range plans for effective bilingual instructional services must take those students into account.

Effectiveness of Bilingual Programs

The question of the effectiveness of bilingual instruction programs has been much publicized recently as the result in large measure of the publication of a monograph by Epstein (1977) and a report by the American Institutes for Research (AIR) (1977a, 1977b, 1978a, 1978b) on the impact of ESEA, Title VII, funds on Spanish/English bilingual programs.

Epstein Monograph

According to Epstein (1977), virtually no evidence exists to affirm the educational soundness and effectiveness of bilingual programs. Unfortunately, although Epstein did conduct extensive interviews with nationally known politicians and administrators in bilingual education, he did not go to the researchers in the field who have conducted surveys of existing literature on the effects of bilingual education on student performance. The Epstein monograph shows no familiarity with the substantial empirical research available which speaks to the effectiveness of bilingual instruction on students dominant in a language other than English. Thus, Epstein's comments concerning the absence of such evidence merely reflect an uninformed opinion. (The existing research on effectiveness is summarized later in this section.)

AIR Study

The ESEA, Title VII, impact study conducted by the American Institutes for Research (AIR study) revealed that students enrolled in Title VII-funded bilingual programs performed at a lower level in English language arts than did students not enrolled; and both groups performed at the same level in mathematics (American Institutes for Research, 1978b). At first glance such conclusions might appear to mean that the use of a student's dominant language for instruction does not make a difference and may even be detrimental to achievement.

A fact seldom highlighted when the AIR effectiveness findings are mentioned, however, is that the findings do *not* refer to Spanish-dominant LES/NES students but to a group of students who were largely English dominant or English monolingual (65 percent to 81 percent depending on grade level).[32] According to AIR Project Director Malcom Danoff (personal communication, December 1978), although some analyses of the Spanish-dominant and Spanish monolingual student data were conducted (American Institutes for Research, 1978a), the numbers of such students were too small to obtain findings that could be generalized regarding the effectiveness of Title VII programs for these students. If one is interested, therefore, in learning whether non-English-dominant LES/NES students benefit from basic skills instruction through their primary language, one cannot look to the AIR study for answers.

As was discussed in the introduction to this publication and at the beginning of this chapter, four different consumer groups for bilingual education exist in the United States: non-English-dominant LES/NES students, balanced bilingual linguistic minority students, English-dominant linguistic minority students, and English-dominant majority students. Bilingual education for the latter three groups has functions very different from those for LES/NES students. English-dominant students, for example, do not need

[32]The totals are as follows: 65 percent in grade two; 70 percent in grade three; 71 percent in grade four; 81 percent in grade five; and 73 percent in grade six. (See American Institutes for Research, 1978b, p. 10.)

(non-English) primary language medium instruction to survive academically; for them, the exposure to the non-English language serves to reactivate a lost or never-quite-developed primary language. And the English-dominant majority student receives exposure to a foreign language and culture early in life. At the same time these students should grow conceptually at the same rate as they might have in an all-English program. LES/NES students, on the other hand, need primary language instruction to survive academically, to be able to acquire concepts and skills through a language they understand. At the same time they learn English.

Given such markedly different uses of the primary language for these different groups, one would expect to see the effects for each group in different places. For LES/NES students, for example, one would look for bilingual education's major effects in conceptual and basic skills achievement because that is where the primary language would be used while English is being learned. If the English instructional component is sound, of course, one would also expect to see English language development for LES/NES students. On the other hand, one would look for the major effects of bilingual education for English-dominant students in the acquisition of the primary or foreign language and in the acquisition of the culture of its speakers, not in the acquisition of basic skills and concepts.

The AIR study assessed the impact of federal funds, using criteria appropriate for LES/NES students, because it was expected that this group would be the primary target population for Title VII monies. Unfortunately, however, as discussed previously, the large majority of students in AIR's sample were English-dominant or English monolingual students. This is not to say that bilingual education is inappropriate for English-dominant or English monolingual students (witness the spectacular Canadian successes[33]); but, as discussed previously, the measure used to judge the success of programs for such students is radically different from that used to judge success for non-English-dominant LES/NES students. Essentially, *the AIR study has assessed the impact of bilingual education on English-dominant students by using criteria appropriate for LES/NES students.*

Designing a research study to evaluate the impact of certain federal funds requires different design priorities and concerns than does a research study intended to evaluate the impact of a particular educational approach on a particular group of students.[34] For, if funds are used for programs and students different from those for whom the funds are thought to be intended, the evaluation, from an educational point of view, becomes meaningless.

Title VII funds have been used to provide bilingual education for a variety of student groups, only a minority of whom have been limited- and non-English speaking. The AIR study attempted to evaluate the impact of those monies, and, in doing so, did not focus on the educational question of greatest concern here—the effects of bilingual education on LES/NES students. Given the great amount of publicity the AIR study has received, it is disquieting to be left wondering what has been learned from this million-dollar national study about the effects of bilingual education on limited- and non-English-speaking students.

Looking elsewhere, one can find fairly substantial research evidence which speaks to the effectiveness of bilingual instruction for LES/NES students who are dominant in their primary language. A recent search and analysis of the existing literature on the effects of bilingual instruction on student academic performance (Dulay and Burt, 1976, 1977, 1978) have brought to light a number of studies and bilingual project evaluation reports that were carried out with care and address the effectiveness of bilingual instruction in terms of student academic performance variables, including achievement in English reading and language arts, science and mathematics, and social studies. A summary of the findings is presented in this section. Some 38 research projects and 175 project evaluations were reviewed to determine whether sound empirical data existed that addressed the effects of bilingual instruction on student performance. Studies not meeting minimum acceptable research design criteria were excluded from the final summary because their results could not be repeated with confidence. In particular, studies showing any of the following weaknesses in research design were excluded:

1. No control for subjects' socioeconomic status
2. No control for initial language proficiency or dominance
3. No baseline comparison data or control group
4. Inadequate sample size
5. Excessive attrition rate
6. Significant differences in teacher qualifications for control and experimental groups
7. Insufficient data and/or statistics reported

[33]See Lambert and Tucker (1972) and Swain (1978).

[34]Much controversy surrounds the research methodology used by AIR in this study. See, for example, Cervantes (1978), which also discusses aspects of the AIR study other than methodology; O'Malley (1978); Gray (1978); and Chess and Associates (1978). Questions of methodology, however, are not relevant to the comments made here; that is, even if the methodology were flawless, these comments would hold.

Only nine research studies and three bilingual demonstration projects survived the selection process; their findings are summarized in Table 7.

RECOMMENDATIONS

The recommendations that flow from the preceding discussions are presented in this section.

Identification and Placement of LES/NES Students

A comprehensive, well-articulated student assessment program is essential to providing effective instruction to LES/NES students. Such a program includes at least four components:

1. Identification of the LES/NES student
2. Placement of the LES/NES student in appropriate classes, class groupings, or curriculum sequences
3. Monitoring of the student's academic progress
4. Determination of the student's readiness for English-only instruction or exit from a bilingual instructional program

The recommendations and discussion contained here are limited to the issues of identification and placement.

Identification of LES/NES Students

1. That LES/NES status be determined on the basis of oral English proficiency demonstrated by students whose primary language is other than English. *English proficiency* refers to the degree to which an individual exhibits control over the use of the rules of English for one, some, or all of its aspects. *Primary language* is the language first learned or the language spoken at home (see Education Code Section 52163[g]).
2. That the two-step process illustrated in Figure 4 be used to identify LES/NES students. It is essentially the same process as that now mandated by the State Department of Education.

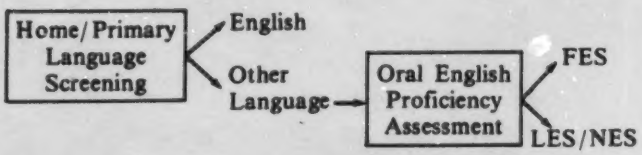


Fig. 4. Recommended two-step process for LES/NES identification

3. That the *Home Language Survey* be revised as follows:
   a. Allowances should be made for the inclusion of more than one language in the responses to the questions of the *Home Language Survey* by revising the questions as follows:
      (1) Which language or languages did your son or daughter learn when he or she first began to talk?
      (2) Which language or languages does your son or daughter use at home?
      (3) Which language or languages do you use to speak to your son or daughter?
      (4) Which language or languages are spoken by the adults in the home?
   b. Instructions should include the provision that, when the *Home Language Survey* is administered, the interviewer should be a person who speaks and understands the language of the ethnic group to which the parent belongs.
   c. The *Home Language Survey* should become part of pupil registration.
4. That the second step in LES/NES identification be oral English proficiency assessment in which the following criteria are met:
   a. The criterion for limitedness should be derived from a comparison with English proficiency levels of native English-speaking peers, a sample of which would meet at least the following specifications:
      (1) That the sample be a statewide representative sample of native English-speaking students at each grade or age level
      (2) That the sample not include members of national origin minority groups
      (3) That psychometric requirements for sampling be met
   b. Phonology should be de-emphasized as an aspect of language to be assessed.
   c. The assessment process should include natural communication tasks and should not rely solely on linguistic manipulation to elicit speech.
   d. The topical content of test items should not contain cultural bias that would adversely affect the test scores.
   e. Psychometric requirements of validity, reliability, and field testing should be met.
   f. The assessment process should specify precisely the criteria by which students are classified as LES and NES.
5. That research be supported on the relationship between language proficiency and school achieve-

TABLE 7

Number of Research Findings According to Effect of Bilingual Education on Student Performance

Student performance variables	Positive effect	No effect	Negative effect	Total
First Language Reading and Language Arts				
Demonstration Project Evaluation (DPE), Alice, Texas, 1973-74 (grades 1–4); DPE, Corpus Christi, Texas, 1973-74 (grades 1–3); Cohen, 1972 (grade 2)	6	2		8
Second Language Oral Proficiency				
Taylor, 1969 (grades 4–5); Cohen, 1972 (grade 2)		3		3
Second Language Reading and Language Arts				
DPE, Alice, Texas, 1973-74 (grades 1–4); DPE, Corpus Christi, Texas, 1973-74 (grades 1–3); Ramos el al., 1967 (grades 4–6); Modiano, 1968 (grade 1); Balasubrumonian et al., 1973 (K and grades 2, 3); Cohen, 1972 (grade 2)	6	7	1	14
Social Studies Achievement (measured in the second language)				
Ramos et al., 1967 (grades 4–6)	1	1		2
Science/Math Achievement (measured in the second language)				
DPE, Houston, Texas, 1972-73 (grades 1–4); DPE, Corpus Christi, Texas, 1973-74 (grades 1–3); Trevino, 1968 (grades 1–3); Cohen, 1972 (grade 2)	10	4		14
Cognitive Function (measured nonverbally)				
Cohen, 1972 (grade 2)	1			1
Cognitive Function (measured through the first language)				
DPE, Alice, Texas, 1973-74 (grades K–4)	3	2		5
Cognitive Function (measured through the second language)				
DPE, Alice, Texas, 1973-74 (grades K–4); DPE, Houston, Texas, 1972-73, (grades K—4)	6	4		10
Attitude Toward Self and Own Culture				
Cohen, 1972 (grade 2)		1		1
School Attendance				
Cohen, 1972 (grade 2)	1			1
Total	34 (58%)	24 (41%)	1 (01%)	59

NOTES: Positive effect means that (1) the experimental group performed significantly better than a comparison group; or (2) pre-post gains during treatment were significantly greater than gains before treatment; or (3) results of comparison to district or national norms were significantly better after treatment than before treatment. *No effect* means that no significant differences were found in one of conditions (1), (2), or (3). *Negative effect* means that subjects performed significantly worse in one of conditions (1), (2), (3). The numbers in the boxes represent the number of findings in the category. As Table 7 shows, out of a total of 59 findings, 34 (58 percent) were positive; 24 (41 percent) were neutral; and only 1 (1 percent) was negative. (Dulay and Burt, 1976)

This research summary reflects results of bilingual education programs in operation during the first ten years of the experimental operation of bilingual education programs in U.S. public schools. Despite the recentness of this complex innovation, more than half of the effectiveness findings show that bilingual education programs comprised a significantly better treatment than did monolingual programs for limited- and non-English-speaking students.

Pinpointing of the reasons for the success of some programs and the ineffectiveness of others is unfortunately not possible because none of the studies undertook designs sophisticated enough to allow such fine-grained analysis. Nevertheless, the research conducted to date supports the use of the dominant language of language minority students as a medium of instruction.

The two foreign studies reported (in the Philippines and in Mexico) also reflect early program development.

ment, language proficiency including both English and primary language proficiency and achievement being measured through English and the primary language.

Placement of LES/NES Students

6. That the educational placement of LES/NES students be guided by assessments of their English and primary language proficiency and their literary skills and subject-matter achievement in the primary language. These assessments and the resulting student classifications for instructional purposes are outlined in Table 8, together with type of recommended instruction.

7. That the assessment of oral English proficiency conducted for identification purposes should serve a dual function. That is, it should also be used for placement in appropriate English language instructional groups and English language curriculum sequences.

Bilingual Instruction Programs for LES/NES Students

Included here are recommendations concerning certain aspects of bilingual instruction and the quality of instruction in English.

Aspects of Bilingual Instruction

Bilingual education programs for LES/NES students include the use of two languages in delivering

TABLE 8

Student Assessment for Educational Placement

Area of assessment	Resulting student classification for instructional grouping	Recommended instruction or other action
Oral English Proficiency	Levels of Proficiency[a]	ESL[b]
Primary Language Comprehension and Oral Proficiency	Special Education	Further Diagnosis
	Regular Education	Regular Bilingual Program
Primary Language Literacy (for Grades 2–12)[c]	Special Education	Further Diagnosis
	Functionally Illiterate	Basic Education (Through Primary Language)
	Literate	Regular Bilingual Program
Subject-Matter Achievement in Primary Language	Below Grade	Basic or Remedial Education (Through Primary Language)
	At or Above Grade	Regular Bilingual Program

NOTE: The categories listed here represent the minimum classifications necessary to place students appropriately. Finer classifications would, of course, allow more precise educational prescription.

[a] Any number of proficiency levels useful for instructional grouping would be appropriate.

[b] No particular method is implied; reference is made simply to English instruction designed for limited- and non-English-speaking students.

[c] Students in kindergarten and grade one are not included for literacy assessment because they are still learning to read. They would automatically be placed in the bilingual reading program unless classified as needing further diagnosis because of low scores on primary language comprehension and oral proficiency assessments.

instruction. The proportions and sequence would be determined by the particular subject.

8. That instruction for LES/NES students in basic skills be conducted in the students' first language. Because it is essential that LES/NES students be able to apply the skills in English language contexts, it is recommended that, after the students' grasp of the subject is assured, strategies that facilitate transfer to English applications should be developed. Included in the definition of basic skills is the continuing development of the students' primary language.
9. That the State Department of Education issue instructions that clarify ESAA requirements in relation to bilingual instruction groupings; namely, that ESAA requirements may be waived in limited situations to permit bona fide ability grouping for basic skills and other required subject-matter instruction.
10. That classes in such curriculum areas as art, music, and physical education be conducted in English as well as in the primary language. If carefully planned, the classes can offer special opportunities for both ethnic integration and language learning through the interaction between LES/NES students and fluent English speakers.
11. That further research be conducted to determine the characteristics and needs of a large group of ethnic minority students whose English proficiency is not equivalent to the proficiency of their native English-speaking peers and yet whose proficiency in their primary language is not sufficient to support the learning of basic skills in that language. These students do not fit our recommendations for learning of basic skills in the primary language; and yet they also do not fit the recommendations of Panel C, which dealt with students of fluent English proficiency. These students constitute a special group about whom very little is known and for whom we are not able to make firm program recommendations.

Quality of Instruction in English

12. That the state encourage and support the development of English instructional strategies and corresponding materials for LES/NES students consistent with current knowledge about second language acquisition.
13. That competencies required for bilingual education and ESL teachers include a knowledge of the psycholinguistic and sociolinguistic aspects of second language acquisition and corresponding instructional strategies and techniques.
14. That teacher education programs, credentialing requirements, and program evaluation criteria be revised to reflect the current state of the art in applied linguistics with respect to second language acquisition; namely, an emphasis away from habit formation and contrastive analysis tenets and towards developmental processes, such as creative construction.
15. That time be provided daily for English language instruction.
16. That communicative interactions with native English-speaking peers be fostered during periods such as those in physical education, art, and music.

Bilingual Education for Groups with Exceptional Needs

17. That bilingual instructional programs make special provisions to accommodate various groups with exceptional needs within the LES/NES school population, including the handicapped, the functionally illiterate, and the gifted.

Effectiveness of Bilingual Programs

18. That government-supported bilingual programs be required to conduct formative evaluations to determine the effect the program is having on student academic performance for the purpose of providing feedback to enhance the improvement of instructional programs; and that summative evaluation should not be required until at least five years after the initial implementation of a bilingual instructional program.
19. That minimal criteria for sound evaluation design should be issued by the funding agency and that sufficient funds should be set aside in project budgets to permit sound formative evaluations.
20. That research and evaluation of program effectiveness should seek to pinpoint features of the program and the larger school environment that are critical to success.
21. That the state should assume responsibility for broad-based research on the effectiveness of bilingual instructional programs to give guidance to policy development and implementation.

Conclusion

This chapter represents the first step in an attempt to narrow the gap between the currently available

educational research findings pertaining to LES/NES students and the educational programs designed for these students. To the extent that such an effort is successful, it should contribute to improving the quality of bilingual education programs.

It is impossible in a single chapter to discuss, much less resolve, all of the many important issues that must be dealt with to develop an effective educational program. Thus, for example, philosophical issues such as maintenance versus transitional program goals were not addressed, nor were program exit criteria or faculty resources. The reader will undoubtedly notice others.

Nevertheless, the areas that were selected were discussed in some depth. Issues were resolved, and specific recommendations were made. Taken into account were three often conflicting perspectives: educational quality, legal compliance, and administrative feasibility.

This chapter represents, it is hoped, but one step in a series of continuing efforts that will lead to a greater likelihood of realizing the potential educational benefits of bilingual education for LES/NES students in the United States.

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Chapter 3

Definition and Measurement of Bilingual Students

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Introduction

Most children enter school able to speak and comprehend English but have never been exposed to a second language in the home. On the other hand, large numbers of children entering school have never been exposed to English in the home because nobody speaks it. Some children enter school speaking very little English but are totally fluent in the home language; others speak English at a level commensurate with that of their monolingual English-speaking peers, are able to comprehend the language spoken in the home, which is not English, but are unable to converse in that language. Some children enter school able to speak both English and the language of the home, which is other than English, at a level of proficiency equal to that of monolingual speakers of either language; others are unable to speak either English or the ancestral language at a level equal to that of monolingual speakers of either language. And one can multiply all of these and other possibilities by a lack of knowledge about how to provide educational services for these young children which will contribute to the children's future success.

The California State Department of Education is responsible for the provision of equal access to educational opportunity for all children residing in the state who are of school age. Because not all children can be approached in the same way, the Department has provided funding for the provision of special services designed to meet the needs of children from backgrounds in which languages other than English are spoken. In an attempt to identify those children in need of special services, the Department has identified three groups of children; that is, (1) non-English speakers (NES); (2) limited English speakers (LES); and (3) fluent English speakers (FES). A fourth group

of children does not qualify for special services. These are the children who, to one extent or another, speak two languages. This chapter is focused on that group, the "bilingual group."

The purpose of this chapter is to review a variety of issues related to the current identification of and provision of services for bilingual children in California and to provide recommendations for future action. The attempt to accomplish these ends will take place through the detailed consideration of a number of problematic issues both directly and indirectly associated with the treatment of children. Two primary issues will be used to provide a springboard for further discussion of related points of concern. The primary issues include (1) definition of bilingualism; and (2) assessment or identification of bilingual children. In addition to these two major issues, two corollary issues will also be addressed as they pertain to the delivery of services to bilingual students. They are (1) entry and exit criteria; and (2) interface between bilingual education requirements and desegregation. It should be borne in mind that these corollary issues are not viewed as exhaustive. Rather, this chapter focuses on issues that most directly affect the Department's responsibility to provide service.

The first issue is the problem of definition; i.e., How is *bilingualism* defined within legislative, educational, and linguistic contexts? and What are the legal and educational limitations of current definitions? The second major issue to be addressed concerns the multiplicity of problems involved in the measurement of bilingualism. Within this context the establishment and implications of eligibility criteria will be discussed. Given a consideration of definition and measurement problems, the final discussion will focus on legislative issues as they affect bilingual and desegregation mandates. Each of these issues is interrelated; to consider them independently can only lead to the development of simplistic solutions.

A number of highly important topics will not be addressed in this chapter. Most important, the problem of designing and providing services will not be addressed because it would be a massive undertaking to review various program models, methods of treatment, and procedures for delivery of services. This analysis, although critical, will have to await clarification of the more fundamental issues of definition and measurement. One might similarly conclude, with respect to issues related to a wide number of other topics, such as teacher training, exceptional children, and migrant children, that each area requires discussion predicated on a clarification of the larger issues of definition and measurement.

The *Lau* v. *Nichols* "remedies" were prepared by the U.S. Office for Civil Rights as civil rights compliance guidelines for school districts. According to the remedies a *bilingual* child is one who "speaks both the language (home) other than English and English with equal ease." The Department defines two populations as eligible for services. These include "non-English-speaking" and "limited-English-speaking" groups. The state, however, provides no working definition of the bilingual student whatsoever, on the assumption that the group is both homogeneous and neither limited English speaking nor non-English speaking. De Avila and Duncan reviewed the *Lau* definition of bilingualism and concluded that the wording of the definition would lead to a failure to identify an undetermined number of children limited in both languages because the definition makes no reference to actual proficiency relative to English-speaking monolingual peers. Under this definition children who are limited in both English and the home language relative to monolinguals can be defined as *bilingual* and, hence, are not eligible for services according to the California definition of limited- and non-English-speaking categories. This problem was exacerbated by the use of a dominance measure of language as opposed to a proficiency test in the state census conducted during the 1977-78 school year and can only be more fully understood through a more detailed consideration of the concept of bilingualism.[1]

The major questionable assumption here has been that the bilingual group represents a homogeneous population whose proficiency in both languages is equal to that of native speakers. This assumption is particularly questionable insofar as it has led to assessment procedures that often disqualify a child for services on the basis of minimally acceptable English proficiency and assumed home language proficiency. Moreover, the assumption has also been made that the treatment process (i.e., program models) for bilinguals is based on assumptions concerning second language acquisition for which only limited data are available.

An attempt will be made to review various approaches to the concept of bilingualism to provide a basis on which subsequent recommendations can be made. It should be noted that the research to be reviewed has focused on a wide variety of approaches according to the researcher's purpose. Quite often, these purposes are not identical or congruent with the purposes of this chapter. In those cases an attempt will be made to reinterpret the research in light of the present purpose and to clarify current thinking on the problem.

[1]The problem of defining linguistic groups through the concept of language dominance has been discussed by a number of writers (see De Avila and Duncan, 1976) who have argued against its use in assessing language characteristics because of a lack of a conceptual basis from which it can be operationalized as well as from its lack of educational "utility" (De Avila and Havassy, 1974).

Results of previous studies of bilingualism are both inconclusive and inconsistent. For example, numerous early findings concluded that bilingual children suffered from "mental confusion" (Saer, 1923); that bilingualism produces "language retardation" (Smith, 1939), lower reading test scores (Smith, 1923), and "mental conflict" (Klinebert, 1935). Far less frequent are descriptions of child bilingualism in positive terms or even findings that "for children of 'innate verbal faculty' bilingualism may be an asset" (Stark, 1940).

The review that follows will discuss a number of commonly encountered definitions and will critically examine the most significant studies of childhood bilingualism. This discussion and review will serve as an introduction to the problem of the measurement of bilingualism. The review will show an historical progression that has expanded its emphasis from global descriptions to more specific discussions of the intellectual, conceptual, and linguistic relationships between the two languages. Moreover, the development of the concept of bilingualism parallels theoretical and empirical developments in second language acquisition. Further, the theory of second language acquisition is paralleled by recent developments in first language acquisition (Hakuta and Cancino, 1977). This situation is perhaps unfortunate because a tendency has existed to become confused and to assume overlap where there perhaps is none as well as to assume differences not yet empirically determined.

Descriptions and Definitions of Bilingualism

Bilingualism has been variously described as "native-like control of two languages" (Bloomfield, 1933); "alternately using two languages" (Weinrich, 1953); and producing "complete and meaningful utterances in the other languages" (Haugen, 1953). As Macnamara (1969) has used the term, bilingualism connotes "persons who possess at least one of the language skills of speaking, writing, listening, reading even to a minimal degree in their second language." As recently as 1955 the Modern Language Association of America stated that "anyone who can use a single expression in a foreign language is to that extent bilingual." Morrison (1958) speaks of the "equibilingual" as " . . . one whose knowledge of, and familiarity with, each of his two languages are equal in duration and extent and whose aptitude to each of them is identical" (p. 87).

However, Mackey (1956) points out that bilingualism is more complex than simply "equal mastery of two languages":

> To begin with, there are many types of bilinguals. There are those who are "at home" in two languages; those who speak a second language fluently with some of the features (sounds, structure or vocabulary) of their native language; and those who speak both languages differently than the unilinguals in the same area. There are also those who have a mastery of the syntax and vocabulary of two languages and the pronunciation of both languages, but an incomplete or imperfect knowledge of the vocabulary and/or syntax of the second language; and those who have an equal but different vocabulary in both languages—those, for instance, who count in one language and pray in another. (pp. 4—5)

Malherbe (1969) distinguishes types of bilinguals in terms of the acquisition process of the two languages. Thus there is "natural bilingualism acquired in a spontaneous and unplanned fashion" and "artificial bilingualism which is the result of deliberate and systematic teaching" (p. 42).

O'Doherty (1958) differentiates between the bilingual who has mastered two languages and the "pseudobilingual" who has "mastered one means of social intercourse proportional to his age and social group and who has in addition acquired some knowledge of another means of communication without mastering it" (p. 284). However, as O'Doherty notes and as an examination of the utterances of limited English speakers will demonstrate, there are varying degrees of pseudobilingualism and pseudobilinguals who fail to master either language. In O'Doherty's words, "This is the complicating factor which makes it so difficult for policymakers to assess properly the value of many of the hundred-odd studies available under the general title of bilingualism" (p. 285). Yet, O'Doherty's distinction between bilingual and pseudobilingual may shed some light on the problem of the definition of bilingualism in that he attempts to describe bilingualism in terms of degree rather than as a dichotomous state. As a result, bilingualism lends itself to operational definition and quantitative assessment.

In a more comprehensive sense, Mackey (1962) argues that the alternative use of two languages by the same person involves four aspects: degree, function, alternation, and interference. These aspects are worthy of further discussion in that (1) the categories would seem to lend themselves to development of qualitative measurement; and (2) they provide a convenient vehicle by which to compare and synthesize a number of viewpoints.

According to Mackey, degree is "the first and most obvious thing to discover in describing a person's bilingualism. To find this out, it is necessary to test his skill in the use of each of his languages. . . . This includes separate tests for comprehension and expression in both the oral and written forms of each language, for the bilingual may not have an equal

mastery of all four basic skills in both languages" (p. 53). Mackey further cautions that bilinguals may vary in their skills across linguistic levels. That is, "He may have a vast vocabulary but a poor pronunciation, or a good pronunciation but imperfect grammar. In each skill, therefore, it is necessary to discover the bilingual's mastery of the phonology (or graphics), the grammar, the vocabulary, the semantics, and the stylistics of each language. What has to be described is proficiency in two sets of related variables, skills and levels" (p. 53).

Functional descriptions of bilingualism answer the question, Bilingual for what? (Malherbe, 1969). Mackey enumerates "external functions" or contacts (home, community, schools, mass media, and print media) and "internal functions," such as counting, reckoning, praying, cursing, dreaming, diary writing, and note-taking (p. 63). On the other hand, Frey (1945) enumerates three functions for bilingualism among the Pennsylvania Dutch. Finally, Barker (1947) describes the four functions of the linguistic behavior of Mexican-Americans in Arizona, including intimate, familial, informal, and formal. It would thus appear that there is a multiplicity of descriptions, each dependent on context. This situation has been pointed out by Ferguson (1964), Gumperz (1964), and Fishman (1969, 1971), who have described the functional differentiation of a bilingual person's two languages in terms of *diglossia,* a term referring to the situation-specific or domain-specific use of languages or dialects. In this context both Mackey (1962) and Fishman (1971) argue that the existence of bilingualism presupposes the continuation of two separate language communities. Fishman states:

> . . . Socially patterned bilingualism can exist as a stabilized phenomenon *only* if there is functional *differentiation* between two languages rather than merely global dominance or balance. From the point of view of sociolinguistics, any society that produces functionally balanced bilinguals (i.e., bilinguals who use both their languages equally and equally well in all contexts) must soon cease to be bilingual because no society needs two languages for one and the same set of functions. (p. 560)

It appears from the discussion that the linguistic behavior of the bilingual child is to a large extent determined by contextual requirements that influence the use of one language or the other. Moreover, it would also seem that the sociolinguistic character of an environment in which both languages are necessary might require an appreciation of which language is called for within a given context. It is highly possible that an analysis of the process whereby a person shifts from one language to another or alternates between several languages may serve to distinguish between different types of speakers defined by the *Lau* categories as *bilingual* (i.e., speak both languages with equal ease).

Alternation (also called *code switching* or *code alternation*) refers to the linguistic behavior of a bilingual person as to his or her ability or desire to keep the two languages apart; and, as Ramirez (1974) notes, to the ability to switch from one language to another in a special speech situation. Alternation or code switching may be a factor not only in language dominance or interference but also in stylistic changes or metaphorical switches or as a means of emphasizing or establishing ethnic identity, confidentiality, or privateness in various conversational situations.

The extent of alternation and the conditions under which it occurs also seem to be determined by the conditions under which the bilingual person learned the two languages. On the one hand are persons brought up according to the *une persone: une langue* formula (as in the case of Leopold's daughter); on the other hand are those "conditioned at an early age to speak two different languages to the same persons" (Mackey, 1962). The extent of code switching may also be a product of the compound/coordinate distinction; i.e., the bilingual person who learned both languages in the same environment and thus learned two words for each referent versus the bilingual who learned the two languages at different times and in different environments and, hence, has two separate systems of language. (In a later section of this chapter, the concepts of compound and coordinate bilingualism will be discussed in greater detail.)

Gumperz (1964) distinguishes between transactional and personal switching according to whether the switch is made "because of a particular social role relationship or for purposes that might be termed stylistic" (Hasselmo, 1969); and Oksaar (1969) has observed "situational switching." Oksaar states that "my observations with a three-year-old-bilingual child (Estonian-Swedish) show that the switch-over in conversation with others does not take place so frequently when the surroundings remain the same. It happens when he is alone, speaking to himself, when playing and before falling asleep, when he comes to think about events that happened in situations where the second language was used" (p. 149). Other configurations of code switching include "clean and ragged switching," "marked and unmarked switching," "triggered and triggering stretches of speech" (Hasselmo, 1969); "consequential and anticipational triggering" and "contextual triggering" (Clyne, in Hasselmo, 1969).

Whereas a speaker is usually conscious of which system he or she is using, Weinrich (1961) notes that there are bilingual persons "who, under certain conditions *cannot* say which language they meant to use in

a sentence just uttered. They may even admit that their distinction between languages undergoes, as it were, a "temporary collapse" (p. 392). Selecting one language over another requires an appreciation of the contextual requirements of a given linguistic situation. This monitoring process, it would seem, would involve an appreciation of a number of extralinguistic variables over and beyond the simple command of both languages. In those cases where the command of either language is not under the complete control of the speaker, it would seem that the speaker would have no choice as to which code is used. In other words the linguistic discourse of such a person or child would indicate interaction or interdependence of the two languages on verbal expression. In such a case a child who may exhibit proficiency at a survival level in either language may be identified as bilingual but in actuality may not be able to communicate fully in either language independently of the other.

Traditionally, the study of the interdependent use of two languages has focused on the concept of *interference*, which refers to the use of one system of linguistic features—phonology, morphology, lexicon, or semantics—while speaking or writing in another. Or, more simply, interference refers to ". . . those errors that occur in the learning of a second language (B) that reflects the acquisition of a previous language (A) and that are not found in the normal development of those who acquire that language (B) as a first language (B)" (McLaughlin, 1978, p. 66).

De Avila and Duncan (1978b) examined the relationship between different linguistic subsystems and school achievement to determine the relative importance of each subsystem as a predictor variable. These researchers collected data on phonemic control, lexical ability, receptive comprehension, and expressive production. Preliminary analysis of the data shows no consistent pattern as to the relative predictive power of each of these variables. Thus, it seems that each, depending on its own particular set of circumstances, is important in explaining some of the difficulties experienced by children and that no single predictor seems to work best in all situations.

Dulay and Burt (1972) distinguish interference errors from three other possible types of errors: developmental—those that do not reflect the learner's first language (A) but are found among those who acquire the second language (B) during childhood as a first language; ambiguous—those that "can be categorized as due either to interference or as developmental errors"; and unique—those "that cannot be categorized as due either to interference or as developmental errors" (quoted in McLaughlin, 1978, p. 66). Description of interference in bilingual speech is further confounded by the fact that it varies according to "the medium, the style, the register, and the context" (Mackey, 1962).

Oksaar (1969) and Weinrich (1961) further distinguish interference:

> In speech, interference is like sand carried by a stream; in language, it is the sedimented sand deposited on the bottom of a lake. The two phases of interference should be distinguished. In speech it occurs anew in the utterances of the bilingual speaker as a result of his personal knowledge of the other tongue. In language, we find interference phenomena which, having frequently occurred in the speech of bilinguals, have become habitualized and established. . . . When a speaker of language X uses a form of foreign origin not as an on-the-spot borrowing from language Y but because he has heard it used by others in X-utterances, then this borrowed element can be considered, from the descriptive viewpoint, to have become a part of language X. (Weinrich, p. 385)

It should be obvious that, in referring to this phenomenon between languages of the bilingual, the term *interference* has gained multiple meanings as is shown by its accumulation of various modifiers; e.g., "linguistic interference," "psychological interference," and "educational interference" (Saville and Troike, 1971). This process of interaction might be considered both general and specific in nature. That is, it has been hypothesized that the requirements imposed on a child as to multiple language acquisition would lead to a general linguistic lag compared to a child whose communicative efforts center on one specific language. The previously mentioned work of Carrow (1971, 1972) is relevant to this notion of general interference. Measures across languages indicated that English outdistanced Spanish for bilingual children and that English for the same bilinguals was lower than English for monolingual age controls. This English lag was evident during early ages (ages three to five) but not during later ages (six to seven years). Although these data suggest a possible causal relationship between bilingualism and the initial rate of language acquisition, they are far from conclusive. In fact, Padilla and Liebman (1975) report contradictory evidence. Their analysis of two three-year-old bilingual children's linguistic development suggested no general language lag in either language. By comparing these subjects' utterances to those reported by Brown (1973) for monolingual English children and those reported by Gonzalez (1970) for monolingual Spanish children, they were able to conclude that "there is no evidence in the language samples that might suggest an overall reduced or slower rate of language growth for the bilingual children of this study (as compared to monolingual children of other studies)" (p. 51).

Experimental studies of specific instances of interference or lack of it are also available with bilingual

children. For instance, Evans (1974) reports the comparison of word-pair discriminations and word imitations in Spanish and English for monolingual English and bilingual Spanish-English children. Elementary schoolchildren were asked to discriminate between words containing English sounds considered difficult for Spanish speakers. (Examples are the phonemes /b/ and /v/, which are clearly separate in English but not so clearly separate in Spanish.) Additionally, children were requested to imitate a series of words in each language which considered this same "difficult" characteristic. Bilinguals did not differ from monolinguals in any of the English tasks. But, as expected, bilinguals scored significantly higher than monolinguals on all Spanish tasks. Garcia (1977) reported a similar finding when he compared bilingual (Spanish-English) and monolingual (English) three-, four-, five-, six, and seven-year-olds on high error-risk phonemes (phonemes which Spanish adult speakers mispronounce in English and those which English adult speakers mispronounce in Spanish) and simple to complex syntactic forms (sentences containing plural, possessive, and adjective morphemes). Bilinguals did not differ from monolinguals on English imitation tasks (both groups made almost perfect scores) but did differ significantly (made fewer errors) on Spanish tasks.

Evidence of the interference phenomenon in bilingual children is taken from naturalistic language samples. As Ervin-Tripp (1973) suggests, interference in these samples is exemplified by performance errors in the learner's linguistic system as they relate to a contrastive analysis of the two languages involved. (Dulay and Burt [1972] have also suggested an error analysis methodology.) Gonzalez (1977), using visual stimuli and a predetermined set of questions in each language, interviewed 26 first-grade Spanish-English bilinguals in southern Texas. He found 55 different types of grammatical errors in the informants' English, not all of which could be directly attributed to interference from the first language, Spanish. Errors in phonology were also noted and sometimes were found to contribute to what superficially seemed like grammatical interference.

Padilla and Liebman's (1975) recent longitudinal work has addressed the issue of transfer through the analysis of linguistic errors. They were able to conclude that, after an initial short, undifferentiated phase (prior to 2.5 years), bilingual children they observed tended to keep the languages, Spanish and English, separate. From more recent error analysis data, Padilla concludes that "children reared in bilingual environments learn to differentiate their two linguistic systems relatively early. When linguistic interactions do occur, there may be several possible explanations, ranging from lack of familiarity with the word in one language to the child's acquisition of discourse strategies, which demand a switch in language" (Padilla, 1977, p. 11).

A later developmental analysis of Spanish and English in young children (three to four and one-half years old) is that of Garcia (1977). This study reports a longitudinal examination of bilingual children's acquisition of English as compared with a matched monolingual English control group. The results indicate (1) simultaneous parallel development of Spanish and English for the bilingual children; and (2) no difference in the development of English morphology and syntax between bilingual (Spanish-English) and monolingual (English-speaking) children.

These findings have provided evidence at an early stage for what was known to exist among bilingual Spanish-English-speaking adults; that is, the switching from one linguistic code to another within the sentence. This change from English to Spanish (and vice versa), according to sociolinguists, takes place under conditions not fully understood but known to be influenced by topic, participants, and level of intimacy (Gumperz and Hernandez, 1975). Few researchers have examined this phenomenon (except for Schultz, 1975; and Genishi, 1977) within the context of the elementary school setting. Given the heterogeneous linguistic nature of the bilingual population, one area worthy of investigation would be the role played by limited fluency in either language. Do children tend to switch because in the course of conversation they encounter a concept they cannot express in the language in which they have been conversing? In his study of adults, Lance (1969) did not find this to be the case. There is a strong possibility that the case for the elementary school child is different; the level of linguistic skill in the two languages is a major factor in the quality and quantity of code-switching that occurs. Moreover, the potential for misclassification is high because of a lack of knowledge as to the nature of the switching phenomenon and the extent to which the phenomenon represents a voluntary integration of the two codes or a lack of control of each language independent of the other. Thus, the question becomes, Is the code-switcher a true bilingual and hence ineligible for services under state and federal requirements; or is the code-switcher really in need of services consistent with his or her proficiency level or linguistic behavior? In this context one is reminded of O'Doherty's comment concerning the possibility of pseudobilingualism versus bilingualism and the need to distinguish one from the other.

Thus far, the definition of bilingualism derived from legal and legislative sources has been discussed and found to be limited in conceptualization. More

important, the potential for misclassification has been discussed. Various approaches to the definition problem have been presented and discussed along with the concepts of alternation and interference. Most of the research has been conducted with nonschool-age children in nonschool settings.

From the previous discussion it would seem that a comprehensive definition of childhood bilingualism must of necessity cut across several academic, social, and political domains. Thus, a consideration of linguistic, social, and psychological issues leads to the necessity of a definition which encompasses more than purely linguistic features. Instead, it is concerned with traditional linguistic features in concert with social and psychological parameters. Additionally, although these parameters have been discussed separately, they must not be seen as static or independent entities. Instead, it is important to view them within an interactive perspective such that their treatment theoretically, empirically, or educationally cannot be totally separated. It is this nonstatic model which will be of benefit in providing a clearer understanding of the bilingual student. Along these lines Garcia and Gonzalez (1978) have argued that a full-ranging definition must of necessity consider linguistic, social, and psychological dimensions. The population of bilingual students is thus defined by a number of characteristics which consider linguistic abilities and psychological predisposition in conjunction with the social environment. The resultant focus on linguistic social competence thus redefines, and expands the more restricted previously discussed approaches.

According to the approach taken by Garcia and Gonzalez, each language can be characterized by phonology, lexicon, morphology, syntax, and semantics. In addition, each of these categories can be considered as receptive (able to understand) and expressive (able to speak) levels. At the linguistic level the authors' position is directly parallel to that of Padilla (1977), who describes bilingualism in terms of a three-dimensional model that includes an analysis of language components (i.e., subsystems); skills (i.e., expressive and receptive); and codes (i.e., English and the home language). Therefore, acquisition on the part of the child must consider the development of each of these segmented features. But, as the second condition of the previous definition implies, these linguistic attributes are imbedded in a social (cultural) milieu (environment). It is imperative, therefore, to consider the cultural context and the concomitant social variables which influence both acquisition and use of a bilingual person's repertoire.

Drawing on an admittedly limited number of studies, Garcia and Gonzalez cite data leading to the following characterization:

1. Bilinguals are able to comprehend *and/or* produce some aspects of each language beyond the ability to discern that either one language or another is being spoken. The intent of this precondition is to confer the term bilingualism to individuals who can handle other than the most basic attributes of symbolic communication (that one set of symbols [languages] is the same or different than another). This is not a limiting condition since it allows many combinations of linguistic competence to fall within the boundaries of bilingualism. (The most "simple" to be included might be the individual who has memorized one or more lexical or syntactic utterance in a second language.)
2. Bilinguals are exposed "naturally" to the two systems of languages as they are used in the form of *social interaction.* In many cases this exposure comes from within a traditional nuclear family network, but this need not be the case (social contact with relatives and visitors, social interaction in the neighborhood, and extended visits to foreign countries are examples of alternative environments).
3. The acquisition of language skills in both languages must be simultaneous. This is contrasted with the case in which a native speaker of one language, after mastery of that language, embarks on a course of second language acquisition. The boundaries of this definitional precondition are somewhat strained due to the ongoing developmental nature of language. It is probably the case that any child meeting the two above preconditions will also meet the present one. The present precondition considers as important the presence of both psychological (cognitive) and physiological development during early childhood as related to bilingual acquisition.

(Garcia and Gonzalez, 1978, p. 2)

In brief, there are three aspects of the Garcia and Gonzalez characterization which are critical for the present discussion. First, their position requires an appreciation of bilingualism according to degree, as opposed to the dichotomous state (Morrison, 1958), requiring equal mastery in both languages. Secondly, it is important to note the stress Garcia and Gonzalez place on the natural acquisition of the two languages within a social context. In this sense their position is consistent with the distinction between "natural" bilingualism and the "artificial bilingualism which is the result of deliberate and systematic teaching" described by Malherbe (1969).

Perhaps most importantly, Garcia and Gonzalez take the position that "the acquisition of language skills must be simultaneous," thus reintroducing the distinction mentioned earlier that exists between compound and coordinate bilingualism. Because to a large extent the concept of compound versus coordinate bilingualism distinguishes between the recent

arrival and the child who was brought up in a mixed language environment, it would seem worthwhile to discuss the matter in greater detail.

The current concept of compound versus coordinate bilingualism has been based on the concept presented by Weinrich :

> Weinrich proposed that the relationship between a pair of translation equivalents and their meaning could be characterized in one of three ways. Coordinate pairs would have separate signifiers and signifieds (a signifier can be thought of as a word and a signified as the meaning of that word). Compound pairs would have two signifiers but only one compound signified. A third type of bilingual sign would be the subordinate. Subordinate pairs are the result of learning a new word in a second language by the so-called "indirect method" of translation. A subordinate pair might be produced, for example, in a foreign language class when a student learns that the word Pferd means horse but the new word is never applied to any real-life referents. The meaning of a subordinate word acquired in this manner can then be accessed only through the original word. (Lopez, 1977, p. 132)

A number of speculative conclusions regarding the compound-coordinate dichotomy have been subsequently presented (Ervin and Osgood, 1954; Carter, 1970; John and Horner, 1971; Saville and Troike, 1971) to the extent of directly influencing the design of bilingual education programs. However, on the basis of recent bilingual memory research (Diller, 1970; Dillon and others, 1973; Lopez, Hicks, and Young, 1974), Lopez (1977) argues that these conclusions result from a misunderstanding and that the compound-coordinate distinction is actually a continuum:

> The basic problem with the compound-coordinate distinction is that it proposes that the language and semantic memory systems of a bilingual must be one or the other. Weinrich (1953), on the other hand, stated that the same person could have both types of representations for different words. Although the distinction could actually be a continuum from extreme compound to extreme coordinate, and a bilingual could lie anywhere on the continuum, most theory and research has emphasized compound or coordinate language systems, with their attendant cognitive consequences. (p. 138)

As Lopez notes, there is no empirical support for such a dichotomy despite numerous inferences concerning personality differences and cognitive structures based on this distinction.

Lopez (1977) has employed a model derived from theories of semantic memory (Anderson and Bower, 1973) to demonstrate an equivalency between labels in different languages as converging on a "single locus or memory node." Interpreted in this way, according to Lopez, it is possible to explain presumed differences between compound and coordinate bilinguals. Lopez concludes that "the insistence of so-called authorities that language switching in the middle of a conversation is to be avoided as a symptom of some underlying mental interference would also lose whatever theoretical support it may have had. The energies expended in trying to produce coordinate bilinguals as the ideal product of bilingual education could then be directed to more important endeavors" (p. 138).

To an extent the position taken by Lopez (1977), Garcia and Gonzalez (1978), and Padilla (1977) among others seems to be a reaction against previous research which has claimed that bilingualism, particularly of the compound type, is an impediment to cognition. Such a position is totally untenable, not only in view of the above work but in light of a growing literature demonstrating the difference between language and thought, which, it would seem, previous research had failed to distinguish and thus assumed deficiencies in one or another language necessarily implied intellectual defects.

Along these more limited lines, De Avila and Duncan (1978a) have presented a theoretical framework emphasizing an integration of cognitive-developmental and learning theory approaches. Such an integration borrows from the developmental work of Piaget and research in learning theory, particularly that of Harlow (1949). Through an integration of these two approaches, De Avila and Duncan have presented a theoretical rationale capable of explaining a wide variety of previous research and able to generate specific performance predictions across developmental-intellectual, personality (i.e., congitive style), and linguistic domains. In recent research involving several hundred children from different Spanish-speaking backgrounds (i.e., urban and rural, Mexican-American, Cuban, and Puerto Rican), preliminary findings (De Avila and others, 1978) reveal superior intellectual functioning for the bilingual group across multiple measures when bilingualism is measured and defined by proficiency across phonemic, lexical, and syntactic and pragmatic dimensions.

More important, De Avila and others (1978), Duncan (1978), and De Avila and Duncan (1978c) have found different patterns across intellectual and personality variables for groups of children defined as monolingual in either English or the home language (Spanish); limited in English and the home language; or proficient in both English and the home language. Unfortunately, these data are confined to a limited number of variables and do not provide information as to the broader sociocultural, linguistic, intellectual, and psychological dimensions used to characterize the

bilingual population recommended by Garcia and Gonzalez (1978). In an attempt to provide this type of data, Jackson (1978), under a National Institute of Education grant, is conducting an ethnographic study of several bilingual types defined according to Duncan's (1978) groupings. Although the results of this study are several years off, they should nevertheless provide valuable information toward the broader understanding of the sociocultural, linguistic, and psychological character of the bilingual population.

It would seem from the previous review that the body of knowledge concerning the bilingual population is limited by the absence of a full-ranging theory subjected to empirical testing as well as by the lack of adequate numbers of research studies that could be used additively to construct an integrative theory. In this regard we have only begun. This shortcoming does not, however, absolve the state from providing the best possible plan, given the current state of the art. The previous review, it would seem, suggests a number of positive options.

According to the California State Department of Education, the projections for LES/NES students indicate an increase of approximately 100,000 over the next five years. One can only guess as to the number of children who will be missed because of misclassification. Recommendations relevant to the problem of definition are offered with the full realization that these recommendations may well have to be updated and revised as theoretical and empirical advances are made.

On the basis of the previous review, it is recommended that children be considered eligible for services under both state and federal mandates when:

1. The children have difficulty, relative to their monolingual English-speaking peers, in making themselves understood to the deliverers (teachers, aides, principals, and so on) of the educational experience. This aspect refers to the children's pragmatic use of expressive language.
2. The children have difficulty, relative to their monolingual English-speaking peers, in understanding the educational content presented by the educational deliverers (teachers, aides, principals, and so on) of the educational experience. This aspect refers to the use of receptive language.

Given this simple biconditional premise and the previous review, a number of ancillary recommendations follow:

1. That the State Department of Education adopt a definition of the bilingual population which recognizes:
   a. The heterogeneous nature of the group
   b. The contextual interaction between the child as recipient of educational services and the teacher as the primary delivery agent
   c. The relative proficiency of the bilingual population in comparison to native speakers of both English and the home language
   d. The truth that diffferences in relative linguistic proficiency do not necessarily imply intellectual deficiencies or an inability to think; and that linguistic differences must be conceptualized as existing on a continuum as opposed to the dichotomous or nominal categories of past state definitions
2. That the state conduct research which examines:
   a. The psychosociological characteristics of the bilingual population in comparison to other linguistic populations
   b. The linguistic aspect of the switching phenomena in different types of classroom settings with different types of teachers
   c. The receptive and expressive difficulties experienced by both teacher and student
   d. The interaction between the linguistic subsystem and the curriculum
   e. The longitudinal effects of home language loss across cognitive and affective domains as a result of "English-only" classroom placement
   f. The accuracy of the state procedures in identifying the bilingual population. (This would be particularly important because there was some question as to the validity of observational techniques.)
3. That the state consider policy changes or alterations which recognize the need to consider the limitations previously described in relation to the current state of the art, particularly as applied to:
   a. The definition of linguistic categories
   b. The identification process

The Measurement Process

California has in the past used various procedures to identify limited- and non-English-speaking students. The current approach rests on a three-stage procedure involving a parental home survey, oral language dominance measures, and, finally, a measure of academic achievement. It is not the purpose of this section to review the state procedure but to discuss a number of issues as they relate to the general question of language assessment. Because assessment procedures, like language, exist in context, the following discussion will present various assessment procedures as they have been used in the field. In this way it will

be possible to review a number of important studies on the effects of bilingualism and the importance of appreciating the limited nature of past attempts to assess bilingualism accurately. It is not the intent of this section to provide a comprehensive review of the literature of child bilingualism, for such reviews already exist (see Arsenian, 1937; Darcy, 1952 and 1968; Peal and Lambert, 1962; Diebold, 1968; Taylor, 1972; Cohen, 1975).

The purpose of this section is to review a number of studies that have employed various approaches to the problem of definition and measurement. At this point definition and measurement become one and the same in that the measurement procedure serves to operationalize the definition. It is important to bear in mind that it is not the purpose of this chapter to provide a critical review of specific language tests. Several such reviews exist (e.g., AIR, 1978; Silverman, Noa, and Russell, 1976). Specific tests will be mentioned only as necessary to indicate the source of data under discussion.

In 1967 the Canadian National Commission for UNESCO organized a major international seminar on the definition and measurement of bilingualism. Although a number of the most respected of the world's linguists were represented among the participants and observers at the University of Moncton and lengthy discussions took place on various demographic, linguistic, sociolinguistic, and pedagogical aspects of bilingualism, little consensus was reached. In fact, in his concluding remarks the chairman notes that the seminar, " . . . which was designed as a study of the description and measurement of bilingualism, has ended up as a discussion on theory and method, since what we have been discussing are the basic conceptual problems of the study of bilingualism" (Mackey, 1969, p. 363).

The present context somehow requires that we eschew the more theoretical problems and turn to three basic questions: (1) Why are we going to measure bilingualism; i.e., what information do we wish to obtain from such assessment? (2) How are we going to measure it; i.e., what testing technique or techniques should we employ? and (3) Can bilingualism be measured reliably?

It would seem that the reasons behind the measurement process must depend on who is asking the question and for what purpose. Quite often, the attempt is to serve multiple and possibly competing purposes. For example, a social scientist or sociolinguist may be interested in obtaining information about the extent and function of bilingualism as a social phenomenon—who speaks what to whom under what conditions. Thus, the investigator may wish to use such instruments as a domain-specific word-naming test or a language-use observation instrument.

The linguist may wish to explore the nature and the extent of interference in a bilingual's "weaker" language. Thus, an error analysis might be appropriate. An educator may be interested in obtaining data that would facilitate the identification and treatment of linguistic weaknesses and may prefer an instrument that would not only assess the individual subsystems of language (phonemic, lexical, syntactical) but also provide an index of relative linguistic proficiency in the bilingual's two languages. A psychologist or psycholinguist may want to measure bilingualism to obtain data about the relationship between an individual's bilingual proficiency and cognitive functioning. Thus, a measure of proficiency in two languages might be combined with a measure of cognitive or intellectual functioning. All of these purposes may be distinguished from those of the California State Department of Education when it sets out to identify (i.e., count) the number of bilingual children within the state education system.

It would appear, then, that the type of measurement used follows from the type of information required by the investigator and that the information may be obtained by direct measurement, by indirect measurement, or by some combination of the two methods. *Direct measurement,* as the term is used in this chapter, refers to an objective assessment of performance of one or more of the four linguistic skills (speaking, writing, listening, and reading) across one or more of the phonemic, lexical, syntactical, semantic, and graphemic aspects of language. Although Macnamara (1969) has encouraged direct assessment, he is also aware of the logistical difficulties implicit in such assessment. He states: "Obviously, the complexity is such that it would take a team of psycholinguists and sociolinguists several years to study even a limited number of bilinguals. . . . However, it is quite clear that the psychologist and educational psychologist will rarely be able to undertake anything so elaborate. Thus it is essential for such investigators to find a simple and direct path through the intricate maze of bilingual skills" (p. 81).

One path which has been suggested is that, instead of measuring all the linguistic aspects of bilingualism, one might concentrate on specific skills, such as syntax. However, Jacobovits (1969) questions whether measurement of syntax can be done independently of semantic and phonemic decoding skills. "Phonemic decoding is essential in the meaningful perception of an utterance, and semantic disambiguation must precede or accompany syntactic analysis" (p. 98). By the same token it is difficult to view even the more global

skills of listening, reading, speaking, and writing as independent of one another.

A further approach to avoiding the complexities of direct measurement—and one which has been used extensively in studies of child bilingualism—is the use of one or more indirect measures that assess undifferentiated degrees of bilingualism. Such measures have included rating scales employed by self and others, tests of verbal fluency flexibility, and dominance tests. Each of these is discussed further on in the section.

As a means of clarifying some of the measurement issues raised previously, it would seem reasonable to review a number of studies representative of the position stated previously. Studies will be discussed in terms of the measurement of bilingualism used; validity and reliability (if reported) of the measurement; and the relationship of the type of measurement to the interpretation and significance of the findings.

The majority of early studies on bilingualism and intelligence (Pintner and Keller, 1922; Saer, 1923; Davies and Hughes, 1927) made no attempt to control for degree of bilingualism and used only verbal tests to measure intelligence. Thus, not surprisingly, the earliest findings showed bilingual children to be consistently inferior to monolinguals. When both verbal and nonverbal IQ tests were used (Barke, 1933; Stark, 1940; Altus, 1953; Carrow, 1957) without a control for bilingualism, the results seemed to suggest that bilingual children were at a disadvantage on verbal IQ tests but not always on nonverbal tests. From the 1950s on, investigators have generally employed a variety of objective measures of bilingualism, including language background questionnaires, fluency tests, language dominance tests, and language proficiency tests. Findings are mixed as to performance of bilinguals, and many studies suffer from a lack of adequate controls for such variables as age, sex, socioeconomic level, and so on.

A number of approaches are considered here. Bilingualism has been measured by a wide variety of means, including demographic, sociocultural, sociolinguistic, linguistic, psycholinguistic, and developmental. However, the majority of measurements used in studies of bilingualism and intelligence or intellectual functioning may be classified as direct, indirect, or both. A few studies have employed purely linguistic assessment such as error analysis; fewer yet have used developmentally based measures of proficiency in both languages.

Indirect Measures of Bilingualism

Included as indirect measures of bilingualism are the language background questionnaire, the teacher rating scale, and fluency tests.

Language Background Questionnaire

The language background questionnaire was the first and has been by far the most widely used method of assessing bilingualism. There are three types of questionnaire: (1) a self-report questionnaire; (2) a rating scale based on knowledge of the subject or an interview with the subject's family; and (3) a background questionnaire completed by a member of the subject's family. The language census procedure used in California falls into the third category.

Self-report questionnaire. The self-report questionnaire on language background requires the subjects to estimate the extent to which each of their languages is used in the home. Although questions can be grouped under a number of categories (own language usage, as well as language usage of other members of the family), questions are usually combined into a single rating for each subject. Another form of the rating scale is used to have the subjects rate themselves in listening, speaking, reading, and writing. Again, the ratings are usually combined to form a single overall rating.

In a study of Montreal schoolchildren, Macnamara (1969) found that the ratings on a language background questionnaire contributed significantly to the prediction of ten of the 15 criterion scores. Fishman (1969), however, questions the use of self-report data, and Cohen (1975) points out that such data may suffer from a Hawthorne effect in that "the children know they are in a program in which a premium is put on Spanish, so they may *say* they speak it more than they actally do" (p. 279).

Mead (1927) used a language background questionnaire in her investigation of the effect upon group intelligence score of linguistic disability as related to Italian-American children. She obtained data regarding language spoken at home by giving the following directions to each subject:

> I want you to write down the language that your father and mother talk *when they talk to each other.* Now I don't want you to put down the language that *you* talk. I know that you can all talk English. But write the language that your father and mother *talk to each other.* If they talk German or Russian or Italian, put down German or Russian or Italian. If your father and mother talk *two* languages, put down the one they talk *most, first;* and the one they talk *least, second.* (p. 446)

The information thus obtained became an index of home language background. Mead found the performance of the Italian group to be inferior on both tests of verbal IQ and concluded that the findings were a result of ". . . the language factor as demonstrated by the classification according to language spoken at

home, the social status factor, and the length of time the father had been in this country, this last factor being somewhat interwoven with the language factor" (p. 468). She ultimately concluded that "classification of foreign children . . . on the basis of group intelligence test findings alone is not a just evaluation of the child's innate capacity" (p. 642).[2]

Both Arsenian (1937) and Pintner and Arsenian (1937) employed the *Hoffman Bilingual Schedule* with English-Yiddish and Italian and Jewish populations, respectively.[3] Both studies reported no significant differences between extent of bilingual background on measures of nonverbal IQ. Arsenian (1937) reports estimates of the reliability of such ratings of r = .8 or better. Arsenian (1937) also cites validity estimates of about r = .8 obtained by correlating language background questionnaire ratings and the ratings of linguistic proficiency made by the interviewer. Pintner and Arsenian (1927) found no significant association between bilingualism and (verbal) intelligence, even when a comparison was made of performance on the two IQ tests by high and low bilingual groups.

In an investigation of Welsh monoglots and bilinguists, Jones and Stewart (1951) administered a nonverbal test (*Jenken's Scale of Nonverbal Mental Ability*) and a verbal mental ability test (*Cotswald Mental Ability Test*) and asked each bilingual pupil to answer a brief questionnaire about the home language background. From the replies the investigators concluded that the group was composed chiefly of children who came from homes "where Welsh was always spoken and whose knowledge of English had been acquired outside the home, mainly in school." A highly significant difference in favor of the monoglot group was found in both the verbal and nonverbal tests of intelligence, and the investigators concluded that "the bilingual children were significantly inferior to the monoglot children. . ." (p. 8).

Johnson (1953) hypothesized that knowledge of a language " . . . is reflective of the degree to which an individual has assimilated the cultural elements of which the language is representative." In an attempt to investigate the relationship between degree of bilingualism and "language and non-language tests of intelligence" with a group of 30 "Spanish" boys, the author administered four tests, including the *Otis Self-Administering Test of Mental Ability*, the *Goodenough Draw-a-Man Test*, the *Hoffman Bilingual Schedule*, and the *Reaction-Time Test of Bilingualism*. The results reported were that (1) the *Otis* IQ for this total population was considerably below average; (2) the *Goodenough* IQ was almost average for the total population; (3) a negative relationship existed between performance on the *Otis* and degree of bilingualism (i.e., the less knowledge of Spanish there was in comparison to English, the higher was the *Otis* IQ); and (4) degree of bilingualism is positively correlated (r = .425) with superior response on the *Goodenough* test. Johnson concluded that the *Reaction-Time Test of Bilingualism* and the *Hoffman Bilingual Schedule* "appear to be measures of common factors since their relationships with the tests of intelligence are in the same direction." However, because little relationship was found to exist between the two bilingual measures (r = .116), the construct was called into question.

In a study involving Puerto Rican children in Spanish Harlem, Anastasi and Cordova (1953) administered the *Cattell Culture-Free IQ Test*. The children tested were asked to fill out a personal data questionnaire (written in English but read aloud in both English and Spanish), nine items of which concerned the extent of the subject's bilingualism. The investigators selected and adapted the items from the *Hoffman* scale. The results as to the bilingualism of their subjects were as follows:

> Most children reported that they spoke Spanish and English about equally often with their families, a larger number clustering at the all-Spanish than at the all-English end of the scale. The rest of the family, however, most often spoke Spanish among themselves. Reading by the family scatters widely over the scale, as does letter-writing, although Spanish predominates in the latter. The children themselves employ predominantly English in their reading and writing, a fact which undoubtedly reflects the influence of the school. English language movies are more frequently attended, although Spanish movies are well represented in the group. Radio listening shows a more even distribution of Spanish and English, with a slight predominance of English. Finally, a clear majority of the children indicated that they "think" in both languages; and as between the two ends of the scale, a larger number fell at the English than at the Spanish end of the scale on this item. (Anastasi and Cordova, 1953, p. 8)

In addition to the fact that the *Cattell Test* was normed with a much higher-placed socioeconomic group, the authors cite as reasons for the lower IQ performance of their sample: (1) their bilingualism, which makes them deficient in both English and Spanish; (2) their lack of test-taking sophistication; and (3) poor emotional adjustment to the school

[2]De Avila and Havassy (1974) have also concluded that currently available tests of IQ often confound social and intellectual dimensions of performance.

[3]In an attempt to construct a "reliable and valid instrument for measuring quantitatively the extent of bilingual background or environment to which an individual is exposed," Hoffman (1934) developed the *Hoffman Bilingual Schedule*. The schedule, which consists of 14 items, was normed with 547 pupils of Jewish and Italian background in grades five through eight.

situation. The poor adjustment, the authors note, "appears to have arisen from the children's severe language handicap during their initial school experiences" (Anastasi and Cordova, 1953, p. 17).

Lewis (1959), in reporting findings based on a reanalysis of data previously published by Jones, Morrison, Rogers and Saer (1957), reported a statistically significant difference in favor of monolingual English-speaking children in Wales, corresponding to about eight IQ points on a nonverbal intelligence test. Although subsequently criticized by Jones (1960), Lewis redefined and regrouped the subjects into four linguistic groupings (Welsh, Welsh-dominant, English-dominant, and English) as opposed to the three used by Jones and others (1957). However, Lewis' attempt to define the subjects' linguistic background quantitatively and to make each group as homogeneous as possible represents a step forward in the definition and assessment of bilingualism and a gaining awareness of the difficulties inherent in the use of a linguistic scale to describe varying degrees of bilingualism. The author states:

> It is important to realize . . . that the extreme groups 1 and 4, although symetrically placed in the range of questionnaire scores, do not correspond with respect to the actual linguistic ability of the children. Thus all in group 1 can speak English, whereas none in group 4 can speak Welsh. Group 4 children are all monoglot; group 1 children are all bilingual. The order of group description can thus be regarded as an order of decreasing bilingualism no less than one of decreasing Welshness of background. (p. 21)

Thus, for the first time the ordinal use of a nominal scale was being questioned.

Lerea and Kohut (1961) compared monolinguals and bilinguals on a verbal task and correlated their verbal learning performances with intelligence and social adjustment. A bilingualism questionnaire consisting of a series of ten completion items relative to language preference was used to categorize children according to the degree of home usage of a second language. (*Bilingualism* was broadly defined as "ability to speak two languages at will.") The findings indicated that the bilinguals learned and relearned the verbal task, a "microutterance test," more rapidly than monolinguals; that a significant correlation existed between speed of verbal learning and intelligence among the monolinguals; and that the relationship between social maladjustment and performance on the verbal task was not significant for either the bilingual or monolingual group. The authors speculate that "an association factor may have been responsible for bilinguals' superiority in the MU-A; i.e., bilinguals may possess a unique potential unacknowledged in past research" (p. 52).

Palmer (1972) investigated the degree of bilingualism and language upon recall of categorized and non-categorized word lists with elementary schoolchildren. On the basis of a self-report questionnaire in which children were asked to rate themselves as either dominant in Spanish, dominant in English, or equal in ability in both, subjects were classified as (1) strong in English; (2) strong in Spanish; (3) balanced in English and Spanish; or (4) monolingual English. Each type of word list was presented under three types of conditions: once in English, once in Spanish, and once in a mixture of one-half Spanish and one-half English. The results revealed that categorization of words facilitated recall and that no differences in total recall existed among groups. Under the categorized condition the recall for the strong Spanish group was significantly higher than the recall for the monolingual English group. Contrary to the investigator's expectation, the total recall in English of the monolingual English group was the poorest in comparison to the bilingual groups. Palmer interprets his findings to mean that " . . . lower socioeconomic children surpass middle socioeconomic children of approximately the same IQ in performance on associative tasks" (p. 164).

The findings are also explained in terms of *interference;* i.e., where the "perceiver had a set of categories inappropriate for adequate perception of his environment." Thus, because these children received all their formal instruction in English, the poorer performance on the Spanish word list is interpreted as interference. Interference, Palmer (1972) concludes, was due to the fact that "English is the more highly structured language; thus its categorizations are more highly accessible and serve to block those less accessible categories in Spanish" (p. 164). The author finally suggests that bilingual programs may be causing interference within the student's two language systems. Sometimes the "objective" conclusions of "dispassionate researchers" are astounding!

Interview rating scale. In the interview rating scale type of language background questionnaire, a face-to-face interview or telephone interview is usually conducted with one or more members of the family and provides a report on the extent of bilingualism of the subject. Smith (1939), in a well-controlled study of seven groups in Hawaii (Japanese, Chinese, Korean, Filipino, Portuguese, Hawaiian, and part Hawaiian) investigated the problem of whether or not bilingualism is a hindrance in mastery of English. The extent of bilingualism was recorded by the examiner-interviewer, who recorded language used by each member of the family (child, mother, father, grandparents, other adults, and siblings) as to preferred language, second language, third language, and fourth lan-

guage. The home language was rated for each child according to information supplied by the interviewers:

Correct English only	5
Good English and another language spoken	4
Besides a foreign language, both correct and pidgin English	3
Pidgin English only	2
Foreign language only	1

Correlations of +.58 to +.74 were found between the education in English of the parents and the language rating for those groups. Correlations between the ratings of the father's occupation, the years of education in English of the "midparent," and the language rating of the home were calculated. The language rating of the home and the education in English of the midparent gave correlations from .58 to .74; or, with parental occupation discarded, from .55 to .68, the lowest relation being for the Hawaiian group. However, the calculations were based on correlations between nominal categories (home language rating) and ordinal categories (years of education); therefore, any conclusions drawn from such correlations would be suspect.

After extensive linguistic analysis (including proportion of English used, error analysis, analysis of sentence length and the form and function of sentences, questions, and conversations according to part of speech), the investigator concluded that Hawaiian children from nonhaole (Caucasian) homes are retarded in language development to such a degree that "... at the time of school entrance they are at about the level of three-year-old children." The author concludes that the retardation had two causes, "the prevalent use of pidgin English and the bilingualism of many homes" (Smith, 1939, p. 271). Using a rating scale based on an information interview with each child's mother, Darcy (1946) investigated the effect of bilingualism on measured intelligence of 212 Italian-American preschool children. Her linguistic groupings were categorized as follows:

> If answers to the questions on this rating scale indicated that the child heard and spoke Italian at home always or most of the time, whereas he heard and spoke English outside of the home always or most of the time, he met the requirements for the bilingual group, as far as the language factor was concerned. If, on the other hand, the child heard and spoke only English at home, spoke only English outside the home, and heard English outside the home always or almost always, he met the requirements for the monolingual group as far as the language factor was concerned. (pp. 22—23)

Darcy found that the bilingual group scored significantly lower on the verbal test but that the monolingual group scored lower on the nonverbal test. She thus concluded that the bilinguals suffered from a language handicap on the Stanford-Binet. However, Peal and Lambert (1962) note that such a language handicap might be overcome later and that the intelligence of infants and preschool children is known to be somewhat difficult to determine accurately and depends more on performance items than verbal" (p. 249).

Peal and Lambert (1962) employed a subjective self-rating score as one of four criteria for determining the extent of bilingualism in their study of ten-year old French Canadian children.[4] The subjects were asked to rate their ability to speak, understand, read, and write English on a four-point scale ranging from not at all (scored 1) to very fluently (scored 4). Thus, an oral score was obtained from the sum of the weights on speak and understand and a graphic score by doing the same on read and write. (The maximum possible score was eight on each.) No indication was given as to why the subjects were not required to rate themselves also on the four skills in French.

This balance score, along with scores on the three other measures of bilingualism (*Word Detection Test, Peabody Picture Vocabulary Test,* and *Word Association Test*) formed the criteria for selection of balanced-bilingual and (French) monolingual subjects for an investigation of the relation between bilingualism, school achievement, and intelligence. Subjects were also equated on age and socioeconomic level. The findings, which are contrary to a number of previous findings, were that (1) the bilingual groups performed significantly better than the monolingual on the nonverbal IQ tests; (2) the bilinguals scored significantly higher than the monolinguals on the verbal IQ tests; (3) on none of the subtests of intelligence did the monolinguals exceed the bilinguals; and (4) the bilingual subjects who were of the same age as the monlinguals were in a higher grade in school.

Possible explanations offered for the unprecedented and unpredicted findings are (1) a possible correlation between intelligence and language aptitude; and (2) the positive influence of bilingualism on nonverbal intelligence. For example, compound bilinguals (those who learned language in the same setting) have two words for identical referents. Thus, like Leopold (1939), Peal and Lambert suggest that:

> ... this ability to think in terms of abstract concepts and relations, independent of the actual word, apparently is required in the symbolic reorganization type tests. The monolinguals may never have been forced to form concepts or abstract ideas of things and may be more likely to think mainly in terms of concretes. They could not be expected, therefore, to be as agile at concept formation

[4]The other criteria included a vocabulary test, a word association test, and a word detection test. Each of these is discussed further on.

as the bilinguals, and they might appear handicapped comparatively. (p. 268)

A third explanation is that the structure of intellect of the bilinguals appears to be more diversified than that of the monolinguals. For example, the factor analyses "... showed that the bilinguals seem to have a greater number of separate or independent abilities on which to draw in completing their tests, in contrast to the monolinguals, who have fewer. That is, the bilinguals have more independent factors defined by intelligence variables than the monolinguals" (p. 271). The authors conclude that, far from being a handicap or causing mental confusion, bilingualism may well be an asset; and that the child who is a "balanced bilingual" enjoys "a mental flexibility, a superiority in concept formation, and a more diversified set of mental abilities" (p. 277).

Questionnaire completed by family. The third type of language background questionnaire is completed by a member of the family. As with the self-report and interview rating scale types of questionnaire, its purpose is to provide an index of the extent of bilingualism of the home.

Anastasi and de Jesus (1953) compared a group of Puerto Rican preschoolers attending a day care center in Spanish Harlem with Negro and white New York City preschoolers, by means of the *Goodenough Draw-a-Man Test,* as to IQ and language development as measured by quantitative analyses of spontaneous language samples. Language background information was secured through items on a personal data questionnaire (administered in Spanish to the parents, either orally or through the mail). One of the questionnaire items concerned the proportion of English and Spanish spoken at home. Results obtained indicated that, in a large majority of homes, more Spanish than English was spoken. Despite a difference in mean educational and occupational levels in favor of the Negro and white parents, the authors found no significant differences between the groups in IQ. However, it is noteworthy that the Puerto Rican children excelled in both mean sentence length and maturity of sentence structure. The authors conclude that one explanation for the superior language development on the part of the Puerto Rican children may have been the positive influence of the extended family.

Teacher Rating Scales

As part of a recent controversial study (Danoff, 1978), teachers were asked to rate the linguistic ability of children in grades two through six. The results of this study indicatd that:

> Approximately a third of the second-graders were considered Spanish monolingual by their teachers, with approximately a third being considered English monolingual. Approximately 60 percent of the second-graders were judged by their teachers to be English monolingual or English-dominant bilingual. For the third-graders, approximately 74 percent were judged by their teachers to be either English monolingual or English-dominant bilingual (41 percent were judged to be English monolingual). Approximately three-quarters of the fourth-, fifth-, and sixth-graders in the Title VII classrooms were judged to be either English monolingual or English-dominant bilingual students. (p. 9)

The results of these findings have been criticized by Gray (1978), O'Malley (1977), and others, who have questioned the validity of teacher judgment based on global ratings. In an attempt to examine this question more closely, De Avila and others (1978) have examined the relationship between teacher assessment of linguistic ability and school achievement. The strength of this relation has been compared to the same relation that exists when a test of language proficiency is correlated to school achievement. When sets of comparisons were made, it was revealed that the average correlation between teacher judgment of linguistic proficiency was .31, whereas it was .69 when an actual test of proficiency was used. These authors conclude that, although a significant relationship exists between teacher judgment and achievement, the relationship is significantly weaker than that obtained when a proficiency test is used. Thus, the use of teacher judgment as a sole criterion may be questioned.

Moreover, in addition to examining the relationship between teacher judgment and achievement as opposed to proficiency testing and achievement, De Avila and others (1978b) examined the extent to which teachers of different linguistic backgrounds were differentially more or less accurate in their estimates of children's linguistic proficiency. Statistically significant differences were found between teachers who rated themselves as monolingual, partially bilingual, and fully bilingual. Finally, significant differences were found between ratings conducted at the beginning of the school year and those conducted in the latter part of the school year. This latter finding seems highly reasonable because teachers are far more familiar with individual children at the end of the school year. Further, it challenges the accuracy of the AIR ratings, which seem to have been used in the fall semester.

These findings suggest that the accuracy of teachers' predictions depends at least to some extent on their own linguistic background as well as on how personally familiar they are with the individual child being rated. It also seems reasonable that these same varia-

bles (linguistic background of the rater and degree of personal familiarity with the individual child being rated) would be of importance in any assessment procedure employing global ratings such as those employed in the AIR study.

One can only speculate as to the accuracy of self-rating and other language background questionnaire procedures. Given that rating procedures seem to be less than perfect, it would seem important to examine their validity empirically in different situations before making any unwarranted generalization concerning the nature and extent of bilingualism throughout the United States.

Fluency Tests

Like the language background questionnaire type of measures, the fluency tests may be considered an indirect measure of bilingualism because for the most part they seem to measure inferred mediational processes rather than linguistic proficiency in two languages. For example, speed of response to verbal stimuli or speech or verbal production in both languages is taken as an index of verbal processing indicating degree of bilingualism or fluency. Reaction time to specific stimuli has been used in a wide variety of psychological research aimed at studying cognitive processes ranging from perception to personality variables. Its application to the present context is, therefore, not surprising. However, it should be noted that reaction time has been shown to be highly related to personality characteristics such as impulsivity-reflectivity (Kagen, Moss, and Sigel, 1963) and that data produced by this procedure would confound personality and linguistic dimensions. Duncan (1978), for example, has shown that children who respond most impulsively to a task requiring perceptual disembedding are less linguistically sophisticated (i.e., bilingual) than those children who respond in a more reflective manner.

Fluency tests may also take the specific form of picture naming (Ervin, 1961); key pressing (Lambert, 1955); or tasks of word completion, reading speed, and word naming (Macnamara, 1969). Each of these tests provides a difference score believed to be related to bilingual fluency. Measurement of bilingualism based on association fluency was developed by Lambert (1956) as a means of isolating the differentiating variables in the linguistic behavior of students at different stages in the acquisition of French. The subjects—three groups composed of American undergraduate students majoring in French, American graduate students majoring in French, and mature French natives living in the U.S.—were alternately presented with series of French and English words and were asked to respond orally with as many individual words as would come to mind for a period of 45 seconds. The English and French stimuli were equated for part of speech, word frequency, and abstractness-concreteness. The hypotheses were that, as bilinguals progress in experience with a particular language, they would (1) give more associational responses to stimulus words in that language; (2) give more associational response in that language when given a choice of languages to use; (3) would approach the pattern of provocativeness of stimulus words shown by native users of the language (a stimulus word that elicits more associational responses than another is the more provocative); and (4) would be more affected in their associational responses by the habitual word order of that language. For the most part, all hypotheses were supported by the results.

A modification of the *Word Association Test* was used by Peal and Lambert (1962) in their study of French-Canadian schoolchildren. As a means of attaining a balance score of bilingualism, French and English words were presented alternatively, and the subjects were asked to write down as many words as they could think of in the same language as the stimulus which seemed to go with or belong with that word. An interval of 60 seconds was allowed for association to each word. The balance score was calculated by a formula in which NF equals the sum of the associations to all the French words and NE equals the sum of the associations to all the English words:

$$\frac{NF - NE}{NF + NE} \times 100 = \text{balance}$$

A zero score indicates perfect balance; a plus score means French dominance; and a minus score means English dominance.

Jacobovits (1969) has been critical of the validity of such fluency tests and in addition has expressed criticism of the difference score method of arriving at an index of bilingual proficiency:

> The rationale for using the difference score is that the investigator wishes to eliminate and control out that part of the variance which is attributable to monolingual skills. For example, if we wish to estimate the bilingual's relative ease in reading speed in his two languages, we are told to subtract his reading speed in the second language from his reading speed in his first language, and, in some cases, the difference score must be divided by the reading speed in the first language to obtain a percentage difference of imbalance. The assumption underlying this procedure is that the two measures are mediated by a common type of competence and that the

> same factors influencing one measure will also influence the other measure in a similar manner. How valid is such an assumption? (p. 99)

It should also be noted that such balance scores may be mathematically unsound. For example, in the hypothetical case of a child that produced an equal number of associations in both languages, the resulting equation would be O/X, which is mathematically undefined and, hence, meaningless. Moreover, without control for the absolute number of responses, no indication exists as to degree of proficiency in either language. A child who provided three associations in both English and French would receive the same score as a child who produced 20 in each. That these two children would be linguistically equivalent seems highly unlikely.

Peal and Lambert (1962) used the *Peabody Picture Vocabulary Test* as one of four criteria of bilingualism. This measure was chosen because it required no reading or writing ability in English. The test was adapted for group administration by flashing each plate (each of which had four pictures of actions or objects numbered one through four) on a screen by means of a tachistoscope and having the examiner pronounce the word in English. The children were then asked to write down the number of the picture which corresponded with the English word pronounced by the examiner. A total of 21 plates of increasing difficulty were presented. The test was scored by obtaining the number of correct responses out of 21 for each child. The results of this study were discussed previously. The vocabulary score was one part of the criteria used in the classification of subjects by two judges. When there was disagreement as to the different criteria, the vocabulary score was weighted more heavily than the other measures of bilingualism.

Direct Measures of Bilingualism

Included as direct measures of bilingualism are the observation of language use and the storytelling task.

Observation of Language Use

One means of obtaining information relative to a subject's degree of bilingualism is by direct observation (and, usually, recording) of the subject's language use. This is a time-consuming task because it involves following the subject around long enough to collect a sufficient amount of data; however, it provides useful and valid information as to communicative performance and has been the favored technique of many linguists. This technique has been used by a number of sociolinguists (Cooper and Carpenter, 1972; Cooper and Fasil, 1972; Ramirez, 1974; Cohen, 1975; and Wong-Fillmore, 1976) as a method of observing social interaction patterns of language and social strategies of bilingual discourse.

Smith (1939), in an attempt to discover whether or not bilingualism is a hindrance in the mastery of speech of very young children in Hawaii and also to determine the comparative progress made in the mastery of English of children of different racial antecedents, employed a language-use technique similar to that employed by McCarthy (1930). The results and conclusions of Smith's study were based on 50 recorded consecutive remarks of each child, "spontaneous insofar as he was never addressed by the observer":

> Except for two special series, the records were taken in his own home or in its vicinity and, except for the two-year-olds, when he was playing with other children. As the birth rate is still comparatively high in Hawaii except for the Caucasians, there were few homes where the child did not have brothers or sisters; in fact, there were several cases when the child has nine to 11 older siblings. Where he had none, it was not difficult to follow him out into the yard or sidewalk where he met his playmates or to induce a neighbor's child to come over to join him. It was thought that this familiar home setting would be the best in which to study the home language of the child. (p. 141)

Because the subjects spoke several different languages, different recorders were used for each racial group. The language samples were analyzed as follows:

1. Number of words in each sentence used by each child
2. Classification of sentences as entirely English, entirely Japanese, Hawaiian, or mixed
3. Classification of words as to parts of speech
4. Mean length of response
5. Classification of sentences as to degree of egocentricity (as done by Fisher, 1934); i.e., "according to whether the subject of the sentence was the child speaking, things, or people, or whether it was nonverbal"
6. Classification of sentences as to form questions, statements, imperative, declarative, and negative
7. Classification of sentences as to structure; i.e., simple, complex, and compound
8. Error analysis (Two error indices were calculated for each child by dividing the number of errors by the number of English words used.)

Smith reported a correlation of +.684 between measures of sentence length and errors in the use of English and –.694 with age when the amount of English is held constant and retained.

Observation of the Storytelling Task

Observation of the storytelling task is a somewhat recent technique of oral language assessment that

seems to provide a fairly reliable measure of what children *do* rather than what they *can do*. It has been used as a measure of language fluency (1957) and language proficiency (Broadbent, 1973, cited in Cohen, 1974; De Avila and Duncan, 1977, 1978). A variety of analysis techniques have been employed to score storytelling tasks, including T-unit analysis, word counts, qualitative global analyses, and so on.

There are basically two types of storytelling tasks reported in the literature. Although both are used to elicit language samples in a more natural manner than the use of other techniques, significant differences between them do exist. In one approach children are presented with a visual stimulus designed to elicit specific linguistic structures. Thus, the child is presented with a picture and asked a series of questions that require the use of particular syntactic forms (e.g., plurals, nouns, adjectives, and so on). Scores are then rated according to predetermined criteria. A variant of this procedure involves the use of a visual stimulus in the same way as previously described; but in this case the child is asked to "tell a story about the picture." Scoring of responses is conducted on the basis of preset criteria. Although this procedure is far more natural and represents a positive step toward both operationalization and standardization, there are nevertheless distinct weaknesses, particularly as to the provision of facilitating cues that encourage specific responses (see Hakuta and Cancino, 1978).

A second procedure that can be grouped under this heading might actually be better described as a "story retelling" technique. The procedure allows a natural restructuring of linguistic forms through the use of verbal imitation. The process of imitation has been extensively used for some time (Menyuk, 1963; Fraser, Bellugi, and Brown, 1963; Labov, 1969) as a method of studying linguistic development. McNeil (1970) notes that " . . . children usually reformulate sentences given to them for imitation. Adult sentences too long to be retained in immediate memory are invariably altered to fit the child's grammar of the moment, which means that imitation can be used to study children's productive capacities, a fact known and utilized for some time" (p. 1070). Labov (1969), in an investigation of the logic of nonstandard English, used sentence repetition with adolescent black males. Labov's findings were highly important in demonstrating that, even though changes (i.e., linguistic transformations) did occur in phonemic, lexical, and syntactic subsystems, children were able to apprehend and communicate the meaning of the stimulus sentence. Following Labov, De Avila and Duncan (1978) report that similar transformations took place across languages when a story task was administered to children from backgrounds where English was not the primary home language. These findings have been replicated with a number of linguistic groups, including Spanish, French, Chinese, and other groups. A number of studies which have employed various storytelling or retelling procedures will now be discussed as a means for a better understanding of the nature of the procedure as well as the findings generated by the approach.

Broadbent (1973, cited in Cohen, 1974) employed a storytelling task in both English and Spanish to determine the possibility of first language retardation of a group of first grade Anglo-American children in a Spanish immersion program. The data analysis of the storytelling task included word count; T-unit analysis (the tabulation of minimal grammatical units into which sentences can be segmented without leaving any fragment as residue, a technique development by Hunt [1965]); an error analysis and interjudge ratings of overall expression; word choice; grammatical correctness; pronunciation; rhythm; and intonation. In comparison with the control group, no significant differences occurred with respect to the subanalyses of the storytelling task; however, the immersion group was judged significantly better at English storytelling when all rating scales were combined. On the storytelling task in Spanish, the average number of T-units per story was 5.07 in comparison with 7.69 for the English stories. Production of English T-units correlated positively and significantly with Spanish T-units ($r = .65$, $p < .01$); and Cohen interprets this fact as suggesting "that those who produce more T-units in English also produce more in Spanish" (p. 100).

In the work by De Avila and Duncan (1978b), a comparison was made between performance obtained by a storytelling procedure and performance obtained on a comprehension task. In this way it was possible to correlate receptive language skills with productive language skills. A Pearson correlation of .523 was obtained, suggesting a high level of consistency between the two on a sample of approximately 800 children from a number of linguistic backgrounds.

Carrow (1971, 1972) examined the relationship between the extent of bilingualism and a number of aspects associated with receptive skills. In a procedure purporting to measure different aspects of linguistic receptivity without requiring expression or production, Carrow tested young bilingual Mexican-American children in the Southwest. Children (ages three years ten months to six years 9 months) were administered a test of auditory comprehension consisting of a series of pictures representing referential categories that could be signaled by words, morphological constructions, grammatical categories, and syntactic struc-

tures. Included were verbs, adjectives, adverbs, nouns, pronouns, morphological endings, prepositions, interrogatives, and word arrangement in both languages. A comparison (by Carrow, 1971) of English and Spanish comprehension on this task for bilinguals revealed that (1) linguistically, children were very heterogeneous (some scored better in one language than another, others were equal in both); (2) a greater proportion of children scored higher in English than in Spanish; and (3) both languages tended to improve across the linguistic parameters measured as the children became older. (This was the case even though Spanish was not used as a medium of instruction for older children in educational programs.)

In a cross-sectional comparison of English comprehension among monolingual English and bilingual, Spanish-English children (ages three years ten months to six years nine months), Carrow (1972) reports a positive developmental trend in auditory comprehension for both Spanish and English in bilingual children. Additionally, bilingual children tended to score lower than monolingual children on English measures during ages three years ten months to five years nine months; but, for the final age comparison group (six years nine months), bilinguals and monolinguals did not differ significantly on these same English measures. These combined results seem to indicate that, at the receptive level, Spanish-English bilingual children were progressing (increasing their competence) in both Spanish and English; bilingual children tended to be heterogeneous as a group, favoring one language (typically English) over another; and bilingual children lagged behind monolingual children in their acquisition of English but eventually caught up.

More recently, Padilla and Liebman (1975) describe the results of a longitudinal analysis of Spanish-English acquisition in two three-year-old bilingual children. These researchers followed the model of Brown (1973) in recording linguistic interactions of these children over a five-month period. Through an analysis of several dependent linguistic variables (phonological, grammatical, syntactic, and semantic characteristics) over this period of time, they observed gains in both languages, although several English forms were in evidence while parallel Spanish forms were not. They also report the differentiation of linguistic systems at phonological, lexical, and syntactic levels. They concluded that "the appropriate use of both languages even in mixed utterances was evident; that is, correct word order was preserved. For example, there were no occurrences of 'raining esta' or 'a es baby' but there was evidence for such utterances as 'esta raining' and 'es a baby.' There was also an absence of the redundance of words in mixed utterances as well as the absence of unnecessary words which might tend to confuse meaning" (page 51).

As part of a much larger study funded under the auspices of the National Institute for Education, De Avila and Duncan (1978b) examined the relationship between different subsystems (i.e., phonemic, lexical, and syntactical). Data were collected on approximately 800 children in grades one, three, and five from Spanish, Chinese, Navajo, and French backgrounds. English performance on each of six linguistic tasks was correlated with school achievement in reading, mathematics, and language arts. In all, a total of 40 correlations were computed.

The poorest predictor of academic performance seems to be minimal pairs based on simple phonemic discrimination. The next poorest predictor seems to be vocabulary. Phonemic production and comprehension seem to be about the same. The single best predictor would appear to be based on production assessed through a procedure similar to the storytelling method previously described. In a comparison to the correlations based on continuous scores from zero to 100 as opposed to an ordinal five-point categorical scale, higher correlations were found for the zero to 100 scale, as would be expected, by virtue of greater statistical stability. Finally, these results suggest that a composite score (total) based on all of the subsystems seems to predict performance best across grade and achievement dimensions and that continuous scores predict better than do categorical five-point scales.

Although these conclusions indicating the parallel development of the two languages must remain tentative because of the small sample of subjects and linguistic productions, they again serve as an empirical base from which similar research in the area of bilingual acquisition can be launched. Unfortunately, the emphasis of many studies has been purely descriptive in nature and has not been extended to school-age populations. Nor have the procedures used been standardized.

In the evaluation of the Redwood City (California) Bilingual Education Project and as only one of a battery of language proficiency measures, Cohen (1975) reports the use of a storytelling task based on the *John T. Dailey Language Facility Test* (Dailey, 1968). In this test " . . . the students were asked to tell stories in English about three pictures—a snapshot, a painting, and a sketch [Dailey, 1968]. The stories were taped and then rated by a linguistically trained judge on a five-point scale for fluency, grammar, pronunciation, language alternation, and descriptive ability" (p. 131).

The Dailey test elicits a series of oral stories based on three pictures—a snapshot, a painting, and a

drawing. According to Cohen, "after the child heard the examiner tell a story based on a sample picture, the child was asked to tell stories in Spanish about the three pictures. The three stories were taped and then rated on a single unit by linguistically trained judges using a five-point rating scale adapted from Lambert, Tucker, d'Anglejan, and Segalowitz (1970). The categories included general fluency, grammar, pronunciation, intonation, language alternation, and descriptive ability" (p. 127).

Although the bilingual group was rated somewhat lower on most variables of the storytelling task than the comparison group, Cohen (1975) reports that the bilingual group "appeared to be as proficient in most English language skills" as the comparison group. As would be expected, the bilingual group appeared to be "slightly more proficient in Spanish language skills" than the comparison group, whose program emphasis was on English.

In summary, a number of studies of bilingualism have been reviewed in terms of the type of measurement of bilingualism used. Wherever possible, the interpretation and significance of the findings were discussed in relationship to validity and reliability of the bilingual measure. The conclusions to be derived from the above discussion may be stated as follows:

1. Background variables such as age, sex, intellectual development, socioeconomic level, and degree of urbanization seem to influence results of studies of bilingual children (i.e., subjects should be watched on these variables).
2. Continuous scores and ordinal categories may provide a more statistically reliable picture of bilingualism than do nominal categories.
3. The use of a teacher rating scale as a single measure of language proficiency or bilingualism or both is questionable.
4. Difference scores as an index of bilingual balance or dominance may be mathematically unsound.
5. Direct measures of bilingualism (language use observation, storytelling tasks, global proficiency tests, and so on) seem to provide more useful and valid information regarding communicative performance than do indirect measures (language background questionnaires, fluency tests, and so on).
6. When the demand characteristics of the testing situations are held constant (i.e., when testing is done in the language or languages the child is most conversant in: when pretraining is used so that the child knows what is required), many of the cognitive deficiences usually attributed to bilingual children tend to wash away.

Aside from the basic findings concerning the general question of bilingualism, a number of implications exist for current state practices as well as for the need to consider future research. Given the nature of the above findings, it would seem reasonable for the state to consider that:

1. A revision or validation of its current home language survey practices be made (Toward this end it would also seem reasonable that a follow-up study be conducted to determine the percentage of false negatives that can be expected through the continued use of current practices.)
2. The relative predictive strength of the different linguistic subsystems be examined across different achievement domains
3. Continuous scores be used to describe the relative linguistic proficiency of bilingual children as opposed to current nominal LES/NES/FES categories
4. Future assessment practices emphasize natural language production as the primary data source for determining relative linguistic proficiency
5. Future rating procedures be amended to take place in the latter part of the school year to ensure that those actively doing the rating are very familiar with the linguistic patterns of the student

In addition, the State Department of Education should consider a concentrated research effort aimed at clarifying the following issues:

1. The impact of school entry on code-switching behavior as it involves possible interference
2. The personality, demographic, and cognitive characteristics of children currently in the schools who come from compound or coordinate linguistic environments
3. The differential ability of teachers, aides, parents, and children to make linguistic assessments of relative linguistic proficiency

Entry and Exit Criteria

The need to establish sound eligibility or entry and exit criteria for bilingual programs is recognized at both state and federal levels. It is at this point that definition and measurement come together. With respect to entry criteria, limited- or non-English-speaking students qualify for special state-funded bilingual programs. At the federal level the civil rights of students identified as having difficulties because of linguistic backgrounds other than English are protected under the *Lau* v. *Nichols* decision.

The intent of bilingual programs is to assist children in acquiring basic skills in their home language

while they become skilled enough in English to participate in monolingual English mainstream settings. Both state and federal requirements place the burden of identification and placement, as well as treatment and transition or reintroduction to the mainstream settings, on schools enrolling significant numbers of language minority students. Unfortunately, however, operational criteria for both entry into and exit from programs is inconsistent across different educational settings because of the vagueness and imprecision of the definitions that form the linguistic categories used to identify children in need.

De Avila, Cervantes, and Duncan (1978) reviewed various state and federal requirements for entry and exit criteria and concluded that the establishment of an entry and exit model requires the simultaneous yet independent consideration of both academic and linguistic dimensions. In the past these two dimensions have been confounded in the definitions of different linguistic categories. In an attempt to develop an empirically testable entry and exit model consistent with federal and state requirements (i.e., that children must be provided a means of participating in the educational system), De Avila, Cervantes, and Duncan have reasoned that children should be considered as eligible for program entry whenever their English proficiency is significantly below that of their English monolingual peers. In their view, without comparable proficiency there cannot be comparable participation.

The question to be answered is, What are the criteria by which children may exit from a bilingual program without prejudicing their chance for academic success because of English language deficiencies? The history of poor achievement by Mexican-American and other language minorities is well-known (Coleman, 1966; Grebler, Moore, and Guzman, 1970; Cervantes, 1976; U.S. Civil Rights Report II, 1971; Jones and others, 1976). It is a widely held belief that this failure to achieve is caused by "the language problem." It has also been pointed out (Lewis, 1959; Morgan, 1957; Carter, 1970; Anderson, 1971; Campbell, 1973; De Avila and others, 1978; De Avila, Cervantes, and Duncan, 1978; Duncan, 1978) that there seems to be a relationship between the intellectual functioning of these children and the degree of their proficiency in English. In other words, it is assumed that the more and better English they speak, the better they achieve. This assumption may be extended to form the basis for a testable model and may be stated in operational terms. That is, as the score on an English language proficiency test goes up, so will the score on a test of academic achievement. The question then becomes, At what point is there a crossover or intersection between the English language proficiency of the language minority child and the expected academic performance of the language minority (mainstream, monolingual, English-speaking) child?

De Avila, Cervantes, and Duncan (1978) have argued that it is at this point of intersection or crossover that the establishment of entry and exit criteria is most defensible.

In their initial review the authors concluded that data provided by dominance tests would be of little use in the development of entry and exit criteria because dominance tests do not provide data on a continuous basis. Instead, data are discontinuous and are, therefore, very difficult to relate to achievement in a way that would facilitate the establishment of cut-off scores. Although it might be possible to correlate the scores with achievement through the use of point-biserial correlations, these data would be of little use because they provide virtually no information on the characteristic of the distribution of scores.

As a means for testing the assumptions implicit in their model, De Avila, Cervantes, and Duncan (1978) conducted a small-scale study under contract with the California State Department of Education in which the relationship between linguistic proficiency and school achievement was examined. Explicitly stated, the model assumes a linear relationship between linguistic proficiency and academic achievement. The model may be better understood by referring to Figure 1, which presents the linear relationship between academic performance and linguistic proficiency.

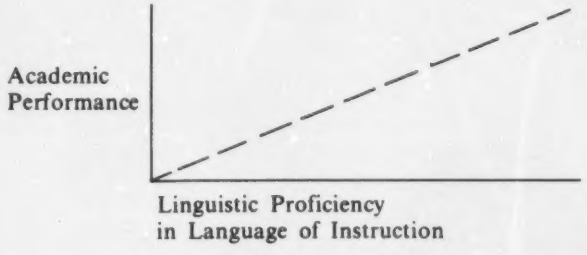


Fig. 1. Hypothesized relationship between academic performance and linguistic proficiency

The second aspect of the model involves the application or inclusion of a cut-off criterion or exit score level based on academic performance. This aspect may be added to the model by simply including the average academic performance of the majority population with which the language minority children are to be compared. Thus, Figure 2 shows the average academic performance of the majority comparison group as a straight line running parallel to the line indicating language proficiency. Note that the figure assumes that linguistic proficiency for the comparison

group (language majority) is basically constant or unchanging across different levels of language proficiency for the language minority student. In other words, the model assumes that, while individual variation in English language proficiency exists for the monolingual comparison group, the variation is insignificant for present purposes. In fact, it would be a simple matter to accommodate this variation within the model by setting or defining cut-off or criterion levels as a bandwidth that allows for individual variations.

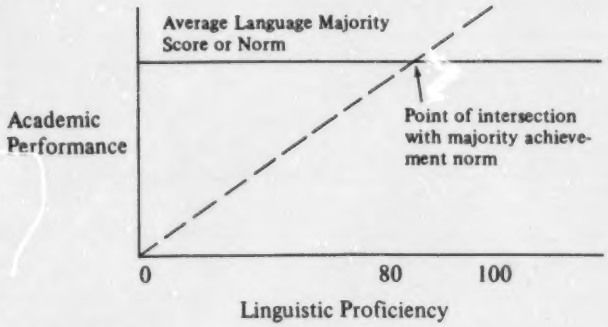
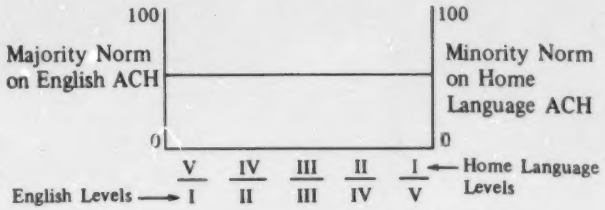


Fig. 2. Hypothesized relationship between academic performance and linguistic proficiency compared to exit or norm score based on average language majority population

Although the assessment of English language proficiency is used in Figure 2 as a predictor of school achievement in monolingual English-speaking settings, it provides no indication of the probability of success in different types of programs designed for the language minority child. The basis of this problem was alluded to in the previous section on definitions of bilingualism. In effect, it was implied that a given level of proficiency in one language (the home language or English) could not be taken as indicative of relative proficiency in a second language. Therefore, for a full linguistic picture to be gained, it would seem necessary to assess proficiency in both languages.

As to the problem of establishing entry and exit criteria, it would seem reasonable to extend Figure 2 to include an assessment of English as described previously and the home language. The incorporation of the home language into the current model would be accomplished by simply repeating the same process described for English. Figure 3 provides a graphic representation of the model in which the norm score would now be descriptive of both minority and majority populations.

It should be noted that Figure 3 was derived by superimposing two separate graphs, one representing entry and exit criteria based on English only, the second representing an analysis based on home language only. It would seem reasonable that a fully developed model should include both; otherwise, the risk fo both type I and type II errors occurs.


100
Majority Norm on English ACH
0
100
Minority Norm on Home Language ACH
0
V IV III II I ← Home Language Levels
English Levels → I II III IV V

Level of Proficiency for Both English and Home Language

Fig. 3. Hypothesized relationship of language and achievement

A minor problem would be involved in equating the two different achievement tests. This problem could be handled by ensuring that both tests cover the same academic content and by converting both scores to standard units. In this way it would be possible to plot achievement scores for English and the home language on the same curve. As in the case of the English-only model, the imposition of the home language model covers the same set of assumptions. That is, there is a linear relationship between level of linguistic proficiency and academic achievement.

In superimposing the home language dimension shown in Figure 3, it should be noted that the two scales have been reversed. That is, as illustrated in Figure 4, the curves for the two relationships are opposite one another.

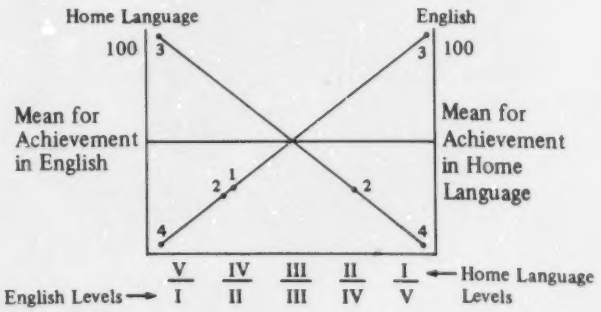


Fig. 4. Hypothesized relationship between home language and achievement and English proficiency and achievement

By examining both scores for a given child, it would thus be possible to determine (within the predictive limits of the model) where the child would have the best chance (i.e., the highest statistical probability) of

success. In Figure 4 examples of four different types of children are provided. Child 1 shows scores of II in English and IV in the home language. Clearly, this child is more proficient in the home language and would have the highest probability of success in classes taught in the home language. Child 2, however, received scores of II on both English and home language. Thus, while this child is equally proficient (deficient) in both languages (bilingual?), a low probability of academic success would exist if the child were placed in classes taught exclusively in English or in the home language. For children of this type, placement would have to take into account the child's difficulty in separating the two languages and in comprehending instruction presented in either language exclusively. In this sense a bilingual placement would be for very different reasons than for children described by examples 1, 2, and 3.

Child 3 received scores of V in both English and the home language. This type of child, according to the model, would have a high probability of success if placed in either English or home language classes. Finally, child 4 might be misidentified as bilingual through other procedures. For the child receiving scores of I on both English and the home language, it would be important to recognize the possibility of needing additional data to understand more fully why the child has received scores on both measures indicating virtually no linguistic ability in either language. Such scores could be expected only for intellectually retarded children or for those for whom the assessment procedure is invalid for either emotional or other reasons.

De Avila and Duncan (1978d), Duncan (1978), and De Avila, Cervantes, and Duncan (1978) have tested various aspects of the above model and, as described previously, generally found support for the model. These data are, however, limited to only several hundred children and have not included controls for developmental and other individual differences.

Under contract to the California State Department of Education, three small-scale studies (De Avila, Cervantes, and Duncan, 1978) were conducted to test the model. Data were collected at a number of schools throughout California and in several other states and were analyzed within the framework of the model. In brief, data were collected at six different school districts in grades one through twelve. The *Language Assessment Scales* and standardized tests of achievement in reading and mathematics were administered to all children participating in the study. In all, approximately 500 children were tested. Data were pooled across grade, sex, and, in several cases, across site to satisfy statistical requirements. A total of 18 separate analyses were conducted. The analyses included (1) an analysis of variance (ANOVA) to test the hypothesized achievement difference across the different levels of language proficiency; (2) tests of linearity to examine the hypothesized straight-line (linear) relationship between the two sets of increasing scores; and (3) a correctional analysis to examine the similarity of pattern between the two sets of scores.

Of the 18 separate analyses conducted, 15 were found to be statistically significant and in direct support of the model. In only one set of three analyses at one school did the hypothesized relationship fail to materialize. From these results it was concluded that strong support existed for the model. Because only a relatively small number of children were tested and because other limitations existed in the design of the study, it was recommended that additional data be collected before final policy decisions were made.

As a final note on the question of entry and exit criteria, it would seem important to discuss the problem of comparability of different tests. That is, more than 40 tests of language exist that purport to measure various aspects of linguistic behavior, bilingualism, dominance, proficiency, and so on. The problem arises from the fact that the scale values are different for the different tests. What this means in practical terms is that some of the tests are very difficult (i.e., low statistical probability of a correct response); others are very easy; and so on. The establishment of entry and exit criteria would, therefore, be compromised by the variability of scores.

Two ways can be followed in addressing the problem of comparability of different tests. The first would be the use of standardized scores. Although this approach would involve the problem of scale values, it would not deal with the problem of differential difficulty levels. De Avila and Duncan (1978) have proposed the use of angular bisector analysis as a means by which to establish a table of equivalence that would serve to equate different language tests for both scale values and difficulty levels.

In the initial discussion the relationship between linguistic proficiency and school achievement was described by a linear function. Differences between tests could be accommodated by a simple two-step process consistent with this assumption. In the first step, test scores would be converted to the same scale values as T-scores, Z-scores, or some other normalized distribution. The second step would be to compute the angular bisector for the regression lines describing two different tests of linguistic proficiency. This relationship is described by the two lines shown in Figure 5 for tests called A and B.

It should be noted in Figure 5 that tests A and B provide slightly different regression lines. The dotted line between the two represents the angular bisector. This line represents the statistical best fit which would have the effect of smoothing out the differences between the two different approaches.

The use of this procedure would carry several advantages not readily apparent. For example, if different tests were equated in this way, it would be possible to use one for pretest purposes and the other for post-test purposes, thus avoiding the problem of learning effects that follow from the repeated administration of the same test.

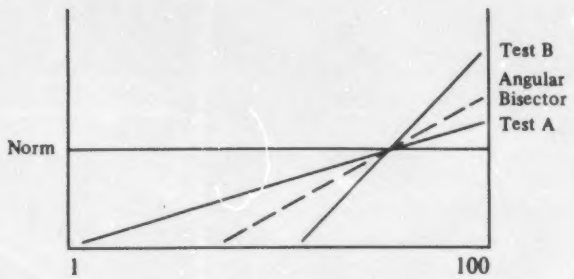


Fig. 5. Standardized score units on tests of linguistic proficiency

The following recommendations are directed to the need to revise policy as well as to engage in research aimed at expanding the current state of the art to reflect more accurately the needs of the bilingual population. These recommendations would include the following:

1. That the state consider entry and exit criteria based on the relationship between linguistic proficiency and academic achievement
2. That the state require the use of proficiency measures in the establishment of entry and exit criteria
3. That the state consider entry and exit criteria along a single continuum that is consistent for all children and recognizes the fact that similar placement recommendations may be necessary for different types of children and for different purposes (Thus, a child who is limited in English and fluent in the home language may be placed in a bilingual program for different reasons than would be a child limited in both the home language and English.)
4. That the state include a measure of home language proficiency as a means of reducing the number of children identified as bilingual who are not proficient in either English or the home language
5. That the state require that both language and achievement data be routinely collected in any placement decisions and that these data be compared to mainstream monolingual settings

Over and beyond these initial recommendations, the current state of the art is sufficiently limited to suggest the need for a research commitment aimed at addressing or examining:

1. Entry and exit criteria that minimize statistical error and provide an acceptable level of statistical probability that entry and exit decisions are correct
2. The relationship between probability of success and different placement decisions such as in bilingual or English-as-a-second-language programs
3. The predictive validity of different entry and exit criteria and attendant measures across developmental, socioeconomic, geographical, linguistic (e.g., Spanish, Chinese, Portuguese, and so on), and other dimensions
4. The equivalence between different linguistic assessment approaches and devices claiming to provide indices of linguistic proficiency

Desegregation and Bilingual Education Mandates

The purpose of this discussion is to review issues that affect one dimension of the educational placement process; i.e., the effect of desegregation requirements on the provision of bilingual instruction. It is necessary to review legislative regulations that govern desegregation and bilingual instruction as to the prohibition against racial and ethnic isolation in schools and classrooms or within classrooms.

Issues related to school desegregation and educational concerns of the Hispanic community were voiced at a conference called by the National Institute of Education (NIE) in June, 1977. Of particular concern to the participants and the NIE were findings that (1) Hispanic student isolation was increasing while black student isolation was decreasing in areas of the Southwest and in large urban cities in the East; and (2) Hispanic students were overage for their grade level and were performing below their contemporaries in all academic subject areas (NIE conference report, 1977). These findings are particularly distressing in their similarity to previous findings published in studies conducted by the U.S. Commission on Civil Rights in 1971 and 1972 and statistical data reported in 1972 in the report of the U.S. Senate Subcommittee on Equal Educational Opportunity regarding ethnic

isolation of language minorities (U.S. Commission on Civil Rights, 1971 and 1972; and U.S. Senate subcommittee report, 1971).

Moreover, the Hispanic community's disenchantment with the effects of the desegregation process as found in triethnic or multiethnic school districts was discussed as to its negative impact on Hispanic and other language minority children. In particular, the Hispanic community found that desegregation had often created an unequal situation by placing the burden of desegregation on minority students, parents, and instructional personnel; threatened the existence or continuation of special programs designed to enable language minorities to receive bilingual instruction; and dismantled community control of local educational programs. Furthermore, student dispersal for achieving racial desegregation under court order had often failed to take into account the educational needs of language minority students. Student and teacher assignments, ability grouping, and tracking practices had often served to jeopardize the needed concentrations of students to provide bilingual instruction. In addition, ambiguous and sometimes conflicting requirements imposed by federal and state regulations had created confusion among educators and tension among parents. Available legal remedies, because of their limited nature, had often unwittingly precipitated desegregation without integration; i.e., the physical dispersal of students without regard to educational reform in areas associated with the scope and content of instructional programs (J. C. Cardenas, 1977).

In summary, the conference report stated the need to address the following:

1. Clarification of the legal status of Hispanic and other language minority groups within the context of school desegregation undertaken as the result of court orders or voluntary efforts (Fernandez, 1977)
2. Definition of acceptable student and teacher assignments, ability grouping, and tracking practices as they affect language minorities
3. Initiation of research to develop pedagogical and linguistic rationales for student and teacher assignments that do not violate desegregation requirements (Roos, 1977)
4. Initiation of research to determine the instructional benefits of integration; i.e., do bilingual students perform better or worse in a desegregated learning environment and under what conditions, in what subject-matter areas, and for what time periods because no research exists? (Gonzalez, 1977)
5. Initiation of research to develop different classroom strategies and management models that can be utilized in integrated settings, including the introduction of multiculturalism (Gonzalez, 1977)
6. Initiation of an analysis of various legislative guidelines to ensure that desegregation requirements do not reduce or impair special program support for language minority children (J. Cardenas, 1977)
7. Revival of the legislative intent of the 1968 Bilingual Education Act to fund demonstration projects capable of replication and adaptation (Gonzalez, 1977)

It is appropriate at this point to turn to a review of federal statutes and regulations governing desegregation, bilingual education, and civil rights compliance enforcement. A review of these various regulations reveals that the concept of equal educational opportunity is ill-defined because these regulations were formulated by and large along parallel lines to fulfill different although not mutually exclusive educational goals. However, little attention has been given to the potential conflict that would result from the intersection of desegregation and educational needs of language minority children enrolled in triethnic school districts. Moreover, Teitelbaum and Hiller (1976), in their definitive treatment of bilingual education and the law, have pointed out that there are no reliable indices by which the courts can evaluate programs on the basis of equal benefits to students, a standard enunciated but not clearly defined under Title VI of the Civil Rights Act. Thus, the courts are somewhat handicapped in fashioning relief considered equitable by all parties in a triethnic school district required to desegregate. Likewise, educators responsible for administering school programs express dismay at having to satisfy what appear to be conflicting programmatic and enforcement directives to desegregate and to provide bilingual instruction (*Los Angeles Times,* 1976; *New York Times,* 1977).

The following review will attempt to address those issues that create difficulties in making decisions which impinge upon the mandate to desegregate and provide bilingual education.

The Equal Educational Opportunities Act of 1974 (EEOA; 20 U.S.C. Sections 1701-1703), Title VI of the Civil Rights Act of 1964 (42 U.S.C. Sections 2000d-2001), and its implementing regulations of 1968 (33 Federal Regulations 4956) and 1970 (35 C.F.R. 11595) (1) prohibit segregation of students on the basis of race, color, or national origin; (2) establish the obligation of school districts to take "appropriate action to overcome language barriers that

impede equal participation by its students in instructional programs"; (3) prohibit the operation of discriminatory ability grouping and tracking practices on the basis of race, color, or national origin; and (4) establish specific conditions restricting the means by which desegregation can be achieved (e.g., student busing).

As an extension of the aforementioned regulations, the "Task Force Findings Specifying Remedies Available for Eliminating Past Educational Practices Ruled Unlawful Under *Lau* v. *Nichols*" (OCR, 1975) reiterates the obligation of school districts to take affirmative steps to provide appropriate instructional programs to LES, NES, and "bilingual students who are underachieving." Additionally, Section IV of the task force findings prohibits discriminatory practices in required and elective courses that result in racially or ethnically identifiable ability grouping and tracking of students on the basis of language. Similarly, Section VI states that "it is not educationally necessary nor legally permissible to create racially/ethnically identifiable schools in order to respond to student language characteristics as specified in the programs described herein [in Section III—e.g., transitional bilingual education, maintenance bilingual education, and multilingual multicultural education] and . . . the implementation- . . . [does] not justify the existence of racially/ethnically isolated or identifiable classes per se."

Although Teitelbaum and Hiller (1976) have stated that the prohibition against racial and ethnically identifiable classes contained in the task force findings ". . . do not forbid maintaining existing bilingual educational programs in ethnically identifiable schools which have not been created or maintained through unlawful practices, . . ." they go on to state that:

> . . . the thrust of desegregation is to offer the same education to all students regardless of race or national origin. To establish identifiable . . . schools. Even if the creation of such schools might be educationally sound, it does not pass muster under the Constitution, especially when a system is found to be operating a segregated school and the mandate is to desegregate them. If bilingual programs are to be part of a desegregation remedy, they cannot jeopardize the court's paramount concern to integrate. (pp. 160—67)

Like other legislative mandates, ESAA (45 C.F.R. 185 et seq.) establishes the obligation of school districts to meet the educational needs of language minorities and prohibits racial or ethnic isolation. ESAA, as amended under the Educational Amendments of 1974, disallows the assignment of students to classes or within classes if it results in the separation of minority group students from nonminority groups for more than 25 percent of the school day and an educational justification is not provided by a school district. Bona fide ability grouping, on the other hand, is allowed in instances where (1) placement in a grouping is predicated upon educationally relevant, nondiscriminatory objective standards of measure; (2) such grouping operates only as long as necessary; (3) grouping is designed to meet the students' special needs and improves academic achievement and performance through the use of specially developed curricula and is taught by trained instructional personnel; and (4) academic achievement and performance are validated by test scores or other reliable objective evidence indicating educational benefits of such grouping (45 C.F.R., Section 185.43). These regulations govern bilingual projects funded under Section 185.52 (e), Subpart F, of the ESAA regulations as well.

In addition to satisfying general eligibility requirements, bilingual project applications must demonrate that educational programs developed and implemented "shall provide for the participation of nonminority group students unless the applicant conclusively demonstrates that such participation will not contribute to the success of the program" (Section 185.52 [e])." Moreover, applicants for bilingual project funds must provide information with respect to (1) the number and percentage of minority group children whose dominant language is other than English and who receive primary language instruction of any kind, the educational goals of such instruction, and the number of hours per day that such instruction is provided; (2) the extent to which minority group children are separated from minority group children by or within classes for any part of the day for language instruction or for purposes of ability grouping; (3) an educational justification for such separation; (4) the listing of instructional materials used for reading instruction in English and the primary language between, among, and within classrooms of schools participating in bilingual projects; and (5) the extent to which the project meets the goal of ESAA to provide instruction in areas other than language arts in an integrated setting which includes the participation of nonminority children (185.54[e]).

The ESAA regulations are far more specific than either Title VI regulations or the task force findings with respect to the prohibition against racial or ethnic isolation. However, these requirements are neither based on any conclusive research findings nor measured against objective criteria. Rather, a number of assumptions have been made with respect to (1) the existence and subsequent implementation of uniform bilingual instructional models; (2) the homogeneous nature of student linguistic proficiencies; (3) the existence of uniform criteria to assess the qualifications of

bilingual instructional personnel; (4) the availability of primary language instructional materials and the consistent utilization of these materials in bilingual programs; and (5) the existence of uniform language measures and assessment procedures to determine eligibility to participate in and exit from bilingual programs.

Additionally, the regulations are silent as to the effect of student dispersal upon the requirements to provide either bilingual or other instructional services to language minority children. ESAA regulations allow districts to apply for waivers of ineligibility (185.44) in instances where Title VI violations demonstrate that a district has failed to provide educational programs to language minority students and in instances where a district has engaged in ability grouping practices inconsistent with 185.43(c)(1) of the regulations. It is not certain that the data have been evaluated on the basis of objective standards to determine the consistency or merit of the educational rationales which have been offered by districts to secure eligibility.

Similarly, ESEA, Title VII, regulations are silent as to the impact of student dispersal on the provision of bilingual instruction either as a consequence of desegregation or as a consequence of limited numbers of children of a particular language group enrolled in a district. Although Title VII regulations prohibit "the isolation of children of LESA by language or ethnic background" (123.62[g][2][ii]), it can be inferred that waivers could be granted if " . . . the applicant demonstrates that separation for specific language learning activities for a portion of the school day is essential to the achievement of the purposes of the Act" (123.13[b]). The regulations state that the participation of LESA students in areas such as music, art, and physical education shall be provided in regular classrooms (123.02 [g][2][ii]).

In summary, it is evident that federal regulations governing desegregation and the provision of instruction to language minorities require a serious reappraisal in relationship to the concept of equal educational opportunity. The reappraisal should include provision for research activities that will generate equitable solutions to the issues that confront educational practitioners.

State legislation enacted under AB 2284 and AB 1329 recognized the need to provide educational services to language minority students. As a consequence California school districts are obligated to provide "bilingual learning opportunities" to each LES student (Education Code Section 52161). Moreover, this obligation encompasses federal legislative mandates to provide instructional services to LES students and to ensure against the separation of LES students in the provision of such services (Section 52163[f] and Section 52167).

Notwithstanding the fact that the provisions of AB 1329 and departmental guidelines have provided school districts with more specific program direction in implementing bilingual programs, insufficient attention has been given to those issues concerning the impact of desegregation on the provision of bilingual instruction in California. It is significant, however, that the State Department of Education has initiated steps to develop and implement the bilingual *Program Quality Review Instrument (PQRI),* which will generate data that can be used to develop quality indicators and assist in developing descriptions of bilingual programs as implemented in classrooms (Lopez and Cervantes, 1978). Unfortunately, the *PQRI* does not address the impact of desegregation on the provision of bilingual programs and the quality of these programs. The preliminary findings of the *PQRI* demonstrate the continuing need for research in all five components. To this extent the *PQRI* offers a mechanism whereby the research needs associated with the effects of desegregation can be incorporated.

The preceding discussion attempted to review educational issues affecting language minorities and their participation in bilingual instructional programs in the context of desegregation and its impact upon educational placement decisions which influence the scope and composition of programs designed to meet the academic and linguistic needs of LES students. To this extent it can be concluded that specific research in this area has not been initiated in spite of congressional recommendations and community concerns and that the absence of educational research has resulted in the inadequate definition and application of the concept of equal educational opportunity as it pertains to educational needs of language minority children. Thus, research needs to be initiated to assess whether existing regulations governing programmatic and enforcement requirements are able to demonstrate that equal treatment and equal benefits have accrued to language minority children. It is critical, therefore, that research be undertaken to formulate equitable educational alternatives that will assist policymakers and educational practitioners in making sound educational placement decisions that will not infringe upon the language minority child's access to participation in bilingual instructional programs.

In view of these conclusions, the following recommendations are offered:

1. Revise the *PQRI* criteria to include visitations to school sites which have fewer than five bilingual classrooms as a means of identifying quality indicators for individualized instructional pro-

grams provided for students who are not represented in the major language groups or are widely dispersed throughout a district at various grade levels.

2. Expand the scope of the *PQRI* to examine the variety of grouping practices in bilingual programs in the context of desegregation requirements and student and teacher assignments.
3. Determine the efficacy of using magnet schools to provide bilingual instruction either in response to desegregation court orders requiring student dispersal or in response to the need to create instructional alternatives for students of the same language group who are dispersed throughout the district but fall within three consecutive grade levels.
4. Revise the *PQRI* or utilize the A-127 form to gather data on districts receiving ESAA funds for the purpose of conducting a survey of ability grouping policies and practices in integrated settings.
5. Develop, on the basis of data analysis of information gathered through the *PQRI* or A-127, legislative recommendations or department guidelines that establish standards for making classroom, class, or school assignments.
6. Request that a meeting be convened—among the Office of Bilingual Bicultural Education, California State Department of Education; the U.S. Office of Bilingual Education, Division of Equal Education Opportunity; and the U.S. Office for Civil Rights—to attempt to clarify issues, identify strategies, and recommend amendments to existing regulations.

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Chapter 4

Bilingual Education for the English Dominant Language Minority Student

by
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Introduction

Bilingual education may be defined as a process through which the home language of the student is used as a medium of instruction for conceptual development and cognitive growth. Educational institutions have recognized the value of such an instructional approach for the non-English-speaking (NES) student and the limited-English-speaking (LES) student. The educational needs of these identified students are partially being met through such federally funded programs as ESEA Title I, Title VII, Title IV-C, Emergency School Aid Act—Bilingual (ESAA), and Vocational Education (Part J, subpart 3). Certain California state legislation, AB 65 (1977), SB 1641 (1977), AB 1329 (1976), and AB 2284 (1972), specifically addresses the educational needs of LES/NES students.[1]

California has a significant number of students whose educational needs are not being met through the present educational system. The English dominant language minority (EDLM) student is the one who has been much forgotten and, indeed, neglected.

The EDLM student is defined, for the purposes of this chapter, as the student who has varying degrees of fluency in English, possesses receptive abilities and a limited degree of productive skills in a language other than English, reflects many of the cultural aspects of the community of the language other than English, and may be achieving or underachieving in the present educational system.

The EDLM student may be further described linguistically as being at some point on an X language continuum ranging from limited receptive (limited understanding) to barely receptive (some understanding). The expressive skills (ability to communicate orally) in the X language may be limited to functional vocabulary and the simple grammatical structures. Proficiency in the X language will be minimal. In too many cases, such students become frustrated, negative, dissatisfied, and eventually express their anger or hopelessness by withdrawing from the educational setting and dropping out of school. The more obvious of these disenchanted students are those who become grim statistics: the frustrated elementary and high school dropout. Harder to detect and potentially greater in number are the students who manage to hang on but never reach their full potential through lack of adequate programs that are sensitive to their social, historical, and linguistic needs.

These are the students whose home language should be maintained or restored through substantive changes in the curriculum and methodology to include added dimensions of auditory comprehension in the X language. These students need teachers who are sensitive to different heritages and cultures. They need a program that will nurture and enhance cultural individuality. Each student needs to feel self-worth (to feel good about oneself) as a valuable, contributing member of the larger society. The student needs to develop unique skills that will dignify his or her being and that will better enable him or her to achieve economic, social, and political success.

This chapter describes the history of legal neglect that has plagued the EDLM student; the rationale for the establishment of an EDLM program; the educational value of such programs; and the psychological, social, political, and economic significance which could result.

[1] See Appendix B for a brief description of California legislation affecting bilingual education.

Although certain portions of this chapter contain specific references to the EDLM (Spanish) student, it is the intent of the author and panel that the same underlying principles and issues apply equally to other language minority groups such as Chinese, Filipino, Japanese, Korean, Portuguese, Samoan, and Vietnamese. There is a commonality of educational needs which transcends linguistic social and historical differences although admittedly these must also be addressed.

Needs of the EDLM Student

English dominant language minority students are those school-age children in California who are orally proficient (fluent) in at least one variety of English and at the same time have significant contact and identification with a minority linguistic background. This group consists primarily of second and third generation ethnic Americans; that is, the children and grandchildren of non-English-speaking immigrants. A part of this group consists of immigrants who use English as their primary means of communication. Another part of this group consists of dominant-English-speaking individuals who come from an ethnic community where another language is maintained.

The EDLM students are those students who were identified in the 1977-78 home language survey (mandated by AB 1329) as having a primary or home language other than English and who were determined to be fluent English speakers (i.e., fluent in English but either limited in or a nonspeaker of the home language). This would include both *Lau* students (underachieving students of the above described background) and non-*Lau* students (achieving at grade level in the English language curriculum).

Existing legislation favors programs that address the needs of LES/NES individuals. Yet, the nature of the identification process and the type of language assessment instrument employed systematically exclude the EDLM student from participation in bilingual education programs. When this happens, a dreadful loss of language skills takes place. This is especially evident at the high school level, where bilingual education is practically nonexistent. Legislative consideration must be given to the massive number of EDLM students who, by the time they leave high school, have lost all of their home language and even their receptive skills.

Four aspects of the EDLM student to be considered here are: (1) the school; (2) the law; (3) linguistic factors; and (4) sociopolitical factors.

The School

For the most part underachieving EDLM students have been essentially treated from a remedial approach in the basic skills, and the sociocultural linguistic aspects of the whole person have been ignored. All EDLM students enter school with a substantial background of experience representative of their sociocultural linguistic ambience. The achieving EDLM student has been overlooked.

The EDLM student becomes lost between two worlds. The dominant society classifies the EDLM student as a member of a minority because of physiological identifiers, patronyms, and sociocultural vestiges. Yet, the minority groups from which the EDLM students draw their experience reject them according to their degree of acculturation of the English-dominant cultural patterns. The EDLM students who completely embrace the English-dominant language and cultural patterns generally do so at the expense of losing their home language and culture.

An adequate educational program is provided for regular students and special education students because of special funding. The EDLM students, however, have been lost or neglected in the shuffle for funding.

The school consists of not only students but also administrators, teachers, instructional aides, classified staff, and other certificated support personnel. And the efforts of all these people depend upon the total curriculum.

Administrators traditionally are the curriculum leaders of the school. They also are theoretically responsible for the administration of the school's facilities and budget; for the coordination of community, staff, and student relations; for the implementation of district, state, and federal programs and mandates; and for the evaluation of personnel.

Administrators have not found ways to implement an effective identification of EDLM students and assessment of their needs. Administrators recognize such problems as truancy, discipline, and tardiness often exhibited by the underachieving student, but they generally are ineffective in developing approaches to providing for the needs of such students.

There are very few ethnic minority administrators with whom the EDLM student can identify. Many administrators also are ill-prepared to cope or deal with language minority students.

Teachers generally are looked upon as representing the middle class experience and standards whatever their background. The majority of teachers are products of teacher training institutions which espouse and emphasize a middle class traditional approach to teaching. Ethnic and language minority students often are discussed only superfluously. Their cultural differences, value systems, familial structures, sex roles, language skills, and socialization practices often are not taught in the teacher training curriculum. As a result, teachers are not equipped to meet the needs of

language minority students. Majority group attitudes prevail among most teachers with little tolerance or understanding of the linguistically or culturally different student (i.e., EDLM).

Teacher assessment of students is limited to those skills developed through formal learning experiences within the context of white middle class society with little or no consideration given the vast experiential learning which takes place in the home and community of the EDLM student. Thus, underachieving EDLM students continually are being programmed for failure through repeated lack of success in the present educational system.

Certificated support personnel include counselors, psychometrists, psychologists, speech specialists, special education teachers, and librarians. Nearly everything that describes the teacher applies to the certificated support personnel. However, because of the nature of services provided to EDLM students, contacts with certificated personnel can be even more critical to these students. For the most part, the EDLM student has not been considered seriously as a unique entity. A minimum of effort has been made to serve these students other than provide compensatory or remedial-type services available to the general student population. This approach demonstrates either a lack of understanding or a total disregard for the linguistically and culturally different student.

Instructional aides generally are the persons who are most sensitive to the EDLM student. They usually live in the community serviced by the school and often represent the same language minority group as the EDLM student. Since they live locally, they become the best liaison between the school and the community and, even more importantly, the family of the EDLM student. Unfortunately, most instructional aides are categorically funded, and their attention is limited to those students within a particular program, thus excluding the EDLM student.

The aides are expected to assist the teacher, reinforce skills, teach small groups, and perform a myriad number of other tasks. Regrettably, instructional aides seldom are properly trained, and their potential is not fully developed. The aide could be very instrumental in meeting the social, cultural, and linguistic needs of the EDLM student.

Members of the classified staff, consisting of secretaries, clerks, custodians, cafeteria workers, groundskeepers, and maintenance persons, often are in an enviable position as regards students. These staff members may serve as model representatives for the language minority groups. As classified employees, they have contact with students in nonthreatening types of situations where the student feels free to communicate with the person. In this way, a great deal of informal counseling and guidance could take place. This is especially true of the EDLM students who often do not relate to the system and choose to relate to those with whom they identify and by whom they feel accepted.

The total curriculum has been defined as all learning activities, both planned and unplanned, that take place within the confines of the school site. The entire academic curriculum is based on English language proficiency. The EDLM student with receptive language skills in the second language and functional linguistic skills in English may experience difficulty operating within this cognitive framework. They often are unmotivated by the curriculum. The lack of achievement gaged by failure to progress academically prompts compensatory-type programs which perhaps may not be warranted. English dominant language minority students usually are much more aware of the realities of survival in the outside world. They generally are concerned with the immediate necessities of life and thus see minimal value in the existing traditional curriculum. The schools need to make changes that reflect the reality of the EDLM student and implement a more sensitive curricular program of study.

The Law

The concept of bilingual education has been advanced through court decisions and federal and state legislation. While such legislation is specific in addressing needs and recommending instructional services for the LES/NES students, no provisions have been made for the EDLM students. The following sections illustrate the dilemma faced by the EDLM individuals as their educational needs are not being provided for by either federal or state legislation.

Federal legislation. The initial federal legislation providing for the implementation of bilingual education programs was enacted in 1968 (Bilingual Education Act, Public Law 90-247). The intended recipients were those ". . . children who come from environments where the dominant language is other than English." Amendments enacted in 1974 elaborated on the earlier definition of the target group by describing as eligible for participation the following:

> . . . individuals who have difficulty speaking and understanding instruction in the English language by reason of their being: (1) individuals who were not born in the United States; or (2) individuals whose dominant languages are other than English.[2]

[2]"Dominant language" is defined as the language most relied upon for communication in the home; "native language" is the language normally used by the child or by the parents of the child (Bilingual Education Act, Public Law 93-380, and accompanying rules and regulations, *Federal Register*, Vol. 41, 114, July 11, 1976).

The U.S. Supreme Court decision in the case of *Lau* v. *Nichols* and the subsequent *Lau* remedies developed by the Office for Civil Rights set forth definitions regarding the population in need of bilingual education. The primary linguistic concern is to what degree the student makes use of a non-Engiish language as his or her primary or home language. The public school's instructional program is to be modified to accommodate individuals with such linguistic characteristics. Although the different federal mandates make use of terminology that is arbitrary, ambiguous, and often at variance with that used by the general public, one thing remains very clear: no attempt has been made (or is currently being made) to specifically address the needs of the English dominant language minority student. The federal Bilingual Education Act of 1974 makes provision for " . . . voluntary enrollment to a limited degree . . . of children whose language is English." California law, AB 1329, allows up to one-third of the class to be fluent English speakers. In both instances, however, the fluent English speakers are involved only as an afterthought. They are not the population for whom the program was designed or in whose interest the program is being implemented. The needs of the English dominant language minority student thus remain to be met.

California legislation. California probably has the largest bilingual population in the nation. And the state's legislators are hearing more from constituents who see the need for bilingual education.

When the "English only instruction" was removed from the education statutes in California, supporters of bilingual education began to gather momentum for the enactment of bilingual legislation. However, their efforts generally resulted in legislation that addressed solely the needs of the LES/NES students.

The Bilingual Education Act of 1972 (AB 2284) had defined children of limited-English-speaking ability as those "children who speak a language other than English in their home environment and who are less capable of performing school work in English than in their primary language." The Bilingual Education Act of 1976, in amending and expanding the 1972 legislation, designates as limited English speaking those "pupils who do not have the clearly developed English language skills of comprehension, speaking, reading and writing necessary to receive instruction only in English at a level substantially equivalent to pupils whose primary language is English." The term "limited English speaking" in this legislation includes non-English-speaking individuals "who communicate in their primary language only or who communicate in English at a level which does not enable them to participate meaningfully in an educational setting where English is used."

The EDLM student was not even mentioned in any of the following legislation: AB 116 (1972-1975); AB 2284 (1972); AB 893 (1975-1976); AB 1329 (1976); and AB 65 (1977).

Assembly Bill 1329 provides for the inclusion of the fluent-English-speaking (FES) student in a state-funded bilingual program. Specifically, "no more than two-thirds of pupils enrolled shall be limited-English-speaking pupils" (with a 10 percent variance being allowed in schools with a high percentage of such students). Both the federal and state laws cite that in no event is the primary purpose of the program to teach a foreign language to FES students.

The California law further specifies that, in order to participate in a bilingual program, FES students must be functioning at grade level in all English language skills. This provision legally excludes "*Lau* students," that is, students in *Lau* categories C, D, and E who are underachieving academically, from participating in bilingual programs. At the same time the *Lau* remedies of the federal government specify that it is not legally permissible to create racially or ethnically identifiable schools or classrooms. This provision would preclude voluntary participation on the part of FES students of ethnic minority background, where the school population has available for participation a sufficient number of nonethnic minority English speakers.

In California the FES students of a linguistic minority background are legally excluded from federal and state bilingual programs *unless they are not achieving at grade level and are already in a racially isolated school where no nonethnic minority English speakers are available.* In other words, as far as possible there is to be a ratio of no more than two-thirds LES/NES students to one-third FES students of nonethnic minority/nonracial minority (i.e., category D) background. When not enough category D students are available, FES students of the linguistic minority can be included, but only those who are functioning at grade level (in the monolingual English curriculum).

Such laws are untenable given the linguistic reality of California and the nation. The EDLM students have been a neglected part of the population for too long. These students, like all others, have every right to equal educational opportunities within legal and educational realities of our society, including participation in bilingual education.

Linguistic Factors

The EDLM student population is the largest linguistic minority in school today. These EDLM students include those who have gone through regular educa-

tional programs and those who were initially classified as LES/NES or balanced bilinguals, placed in bilingual education programs with transitional objectives, and subsequently forced out of these programs after a certain proficiency was acquired in English.

Linguistically, the EDLM students include both receptive bilinguals and limited X language speakers. Receptive bilinguals are those who have listening comprehension skills in X language. These children generally respond in English to X language discourse. Limited X language speakers are those who have a minimal proficiency in X language.

Academically, the EDLM students fall under two categories: achievers and underachievers. Underachieving students often have varying degrees of proficiency in the English language even though they have been assessed as functional in the English language and ready for English instruction. Present assessment procedures have all too often not determined the degree of proficiency in the English language but simply the fact that the student was able to respond adequately to a few questions. In trying to make the proper language choice for a group of students, the teachers and administrators generally have neglected to assess both linguistic and cognitive development.

On a cultural level, many achieving FES students have been given the opportunity to further develop their receptive or minimal skills in the language of their culture. Full human development requires that individuals be given the opportunity to develop themselves to their fullest capacity. Linguistic and cultural restrictions in fact hinder the learning process as they lead to the frustration, alienation, and inhibition of the student.

An EDLM student may be either of the following:

1. A student who has gone through the regular education program.
2. A student who was initially classified as LES/NES balanced bilingual, who was placed in a bilingual education program with transitional objectives, and who was moved out of program in the X language after a certain proficiency was acquired in English. (See Figure 1.)

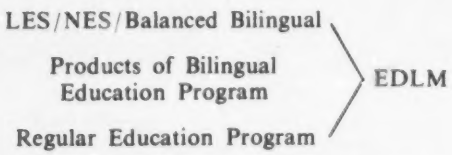

Fig. 1. Structure of LES/NES balanced bilingual programs

English dominant language minority students include both limited X speakers (those who have a minimal proficiency in X language) and receptive bilingual speakers (those who have a listening comprehension skill in X language but lack or have not developed the speaking skills). These individuals generally respond in English to Spanish discourse. (See Figure 2.)

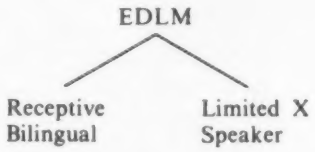

Fig. 2. Composition of the EDLM student

The EDLM student may be either an achiever or an underachiever. (See Figure 3.)

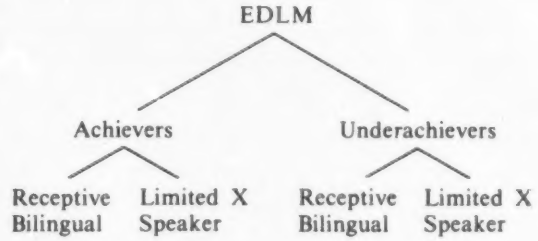

Fig. 3. Structure of achieving groups

Members of an X cultural group may include receptive bilingual students, limited-X-speaking students, and FES students. Fluent-English-speaking students who identify with X culture and X language, although they may have no skills in the X language, should be allowed to develop X language on cultural grounds. (See Figure 4.)

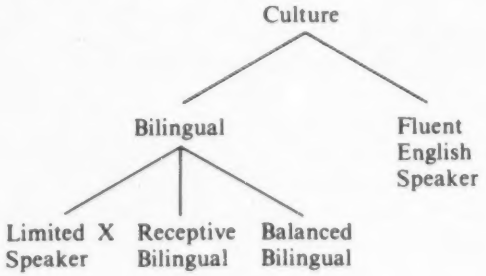

Fig. 4. Structural-cultural identification of the EDLM student

Such considerations provide strong support for the inclusion of EDLM students in bilingual education programs and indicate clear justification for a readjustment of values, laws, and academic thrust where this group is concerned. The linguistic needs of the EDLM students can best be summarized in the six points that follow:

1. Some LES/NES balanced bilingual students are forced out of a transitional bilingual education program after a certain number of years. To prevent loss of skills, such students should be allowed to maintain their native/home language even after they can perform adequately in an all-English curriculum.
2. Those students with receptive skills or with limited X language skills, who have been part of the regular program, must be allowed to restore and develop those skills through bilingual education.
3. Underachieving EDLM students may have been misclassified by an assessment process which through simplistic methods classifies LES students as dominant/fluent English speakers. This category may also include underachieving EDLM students who in fact can function in English. In these cases language is obviously not the sole cause of underachievement. When a student develops a receptive skill and experiences success in X language, his or her self-concept and motivation are improved.
4. Students who are identified with X culture but are not proficient in X language have been denied the opportunity to develop an important aspect of that culture. Granted that numerous social factors have contributed to this loss or limited ability, it rests with the school to restore and help develop these lost, receptive, or limited skills to produce an integrated individual and to strengthen the family unit on a cross-generational level.
5. Acquisition of a second language is considered an enrichment for many students. It is all the more significant to offer this enrichment opportunity to EDLM students who are proficient in English and achieving at grade level since they have these receptive or limited skills.
6. University program administrators are again focusing on foreign language as a requisite for admission. To prepare for college admission, minority students should develop their latent receptive and limited X language skills. Bilingual university graduates would be able to relate to, communicate with, and represent the needs and desires of their cultural groups in all spheres of society.

Sociopolitical Factors

Even with the existing legislation favoring certain bilingual education programs, a number of obstacles that inhibit the proper implementation of these programs still remain. Some of these obstacles are sociopolitical in that they take the form of adverse public attitudes which must be corrected.

At least two groups stand in opposition to the underlying principles of bilingual education. These groups include but are not limited to the ethnocentrist and the acculturalist.

The ethnocentrists consider any variation or alternative to the dominant mainstream of the North American culture to be inferior. They argue that English is superior to other languages and that American folkways and customs are superior to their foreign counterparts. This group forms its opinions from an ethnocentric base. There is ample evidence that no language or culture of the world is superior to another, nor, for that matter, more complex, more simple, or more primitive.

The acculturalists base their argument on the assumption that linguistically different children will not achieve academic success or proficiency in English unless English is the only medium of instruction for the entire curriculum. These views sometimes are expressed by minority groups themselves.

Some minority parents argue, for instance, that their children will learn enough of their own language in the home. These parents feel that their children should learn English in school because that is how their economic success and social mobility will be most promptly realized. Parental fear that English will not be learned is understandable given that, in the past, English dominant minority children were not receiving a sound knowledge of reading or writing in English. There is evidence, however, that the academic success of these minority groups has fallen below that of others in spite of the years of traditional monolingual (English) instruction. As a consequence the need for bilingual education became evident throughout the nation but unfortunately for the EDLM student it has not yet been recognized.

The parent can be helped to understand how English production, both reading and writing, can be enhanced through bilingual programs. Before this can happen, however, there must be assurance that the bilingual education program is truly bilingual, not monolingual as has been the case in the past. The two languages are not mutually exclusive. In truly bilingual programs, students will not learn their home language at the expense of English but rather will learn English better, moving from the known to the unknown. Just as the student enjoys early success in the language arts, the bilingual child will also experience early success in self-worth in other areas of the curriculum when the home language is the medium of instruction (Balasubramonian and others, 1973).

Detailed studies of the transference of reading skills from the native language to a second language in actual bilingual education programs have been carried out ("Alice, a Texas Bilingual Education Program," 1974-75). These transferences are invariably easier than starting with no reading ability whatsoever simply because of the head start provided by the mass of sound letter correspondences that are already accumulated. It must be obvious even to the most linguistically unsophisticated reader that when learning sound letter correspondence, the child must first know what the words sound like. The EDLM child with limited expressive skills in Spanish, for instance, has an additional advantage if taught to read Spanish first, because he or she not only can understand the spoken language adequately but he or she can rely on the language to be written almost exactly as it sounds. This provides the element of success in early learning that creates a worthy self-concept and desire for more learning. When the additional reading of English sounds is taught, the Spanish-reading child already has a usable inventory of well over two-thirds of the written description which he or she can apply with marked success to the English sound system. Various studies have proved quite consistently what has always been observed: a bilingual child arrives at reading a second language (English) more readily and more correctly when the child begins by first speaking and then reading the language he or she can understand (Christian, 1978).

One of the most important things that can be said in support of bilingual education is that, even if none of the above arguments were true concerning an increased proficiency in language use, the cross-cultural awareness derived from the process would justify its existence. A program is not necessarily a failure because the measurable achievement scores do not surpass those in regular classes. We repeat, what must also be considered is the cognitive development and learning that comes about through cultural mix. This kind of learning is beneficial to all elements of our society, as it still finds itself fraught with many problems in the area of school integration.

Despite these realities, bilingual education still remains a vague concept to some and a looming threat to others. One has only to look at the various segments of the news media to get a sense of the generally negative attitudes held about bilingual education. As with most forms of innovation and change, a new approach to a long-standing concern is met with uncertainty and fear. Both educators and the public at large have much higher expectations for immediate results, and advocates of the program are expected to remedy the generations of failure and low achievement by the linguistically different student.

Conclusions

The author and panel make the following conclusions:

1. As has been noted in this study, schools have neglected EDLM students by either not addressing their specific needs or by incorrectly considering such students to be in need of compensatory aid.
2. Federal and state legislation has categorically excluded EDLM students from any assistance, choosing to focus instead on the limited-English-speaking and non-English-speaking individuals.
3. The social attitudes of the past have worked against bilingual education for EDLM students because of misinformation where the acculturalist is concerned and racism where the ethnocentrist is concerned.
4. For the reasons expressed in this chapter concerning the linguistically different, we must begin to address the question of the role of language in the cognitive process and allow for the development of effective cultural supports that ensure full cognitive and linguistic development of EDLM students in the schools.

From the totality of the preceding evidence we find that up to now the EDLM student has been the neglected student. The law has provided for other student segments of the school. The schools have not developed programs to serve the needs of the EDLM student. Because societal attitudes are negative toward such students, their language and culture have been neglected and their academic achievement has been impaired.

The attitudes of school district administrators and school governing board members are directly reflected in the commitment shown to the principles involved in bilingual education rather than in the financial support generated as a result. These same attitudes are reflected in a school system's willingness to change its procedures, established ways, curriculum, and objectives to accommodate a newly emerging student body unlike those of past generations. The attitudes of institutions of higher education are and will be reflected in the way they train new teachers and by their commitment to continue with bilingual teacher training programs that are funded on a permanent basis by local agencies.

Attitudes must be changed at all levels so that the commitments that ensue can be translated into actions that are not only morally and educationally correct, but are good for the nation as a whole. Public opinion about bilingualism must be altered through an honest educational campaign that will convey to the public a humanistic message. Every effort must be made not

only to prevent the loss of second language receptivity by EDLM youngsters as they enter school, but to maintain this powerful natural resource for a better prepared citizenry of the future.

In the long run, only those programs that can operate on their own will survive. Those programs, hopefully many, that do make it will indeed have done so because of undergoing the metamorphosis described above. They will reflect an institutional change at the local level. This in turn could evolve into a total acceptance by principals, school board members, teachers, and parents that bilingual education is good for all children. That is the moment in time on the path toward cultural pluralism to which this chapter is dedicated.

Recommendations

On the basis of the preceding discussion and conclusions, the following recommendations are made:

1. Students of a minority language background who are English dominant should be given the opportunity to participate in bilingual education programs.
2. English dominant language minority students should be allowed to participate in bilingual education programs regardless of their level of academic achievement.
3. A valid and reliable means of assessing the EDLM student's language proficiency in the X language as well as in English should be developed.
4. The needs of EDLM students should be specifically addressed in California bilingual education legislation.
5. As a natural extension of AB 1329 and in view of the national trend toward reinstatement of the foreign language requirement in the universities, two years of post-high school foreign language study or equivalent should be required of all future teachers and other certificated support staff personnel.
6. The core curriculum of state-approved teacher preparation programs should reflect a multicultural perspective requiring a field practice component that deals with a wide range of student needs, including but not limited to the needs of EDLM students.
7. A research agenda that specifically addresses the many unknowns concerning the EDLM student (i.e., demographic, linguistic, social, academic, psychological, and occupational factors) should be instituted.

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Chapter 5

Bilingual Education and the English-Speaking Majority

by
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Introduction

Much confusion, apprehension, and disagreement exist concerning the nature and goals of bilingual education. This chapter addresses those concerns by posing three fundamental questions: (1) What is the contemporary bilingual education situation in California? (2) What outcomes can realistically be expected from present efforts? and (3) What will the future hold? These questions are examined from the perspective of one specific language group: the English-speaking majority. Bilingual education can be successful only with the involvement and support of this major group. If bilingual education is perceived and structured as a compensatory program for the "disadvantaged," it will be short-lived. It is argued that bilingual education must be viewed as high-quality education for all linguistic and ethnic groups. It is hoped that this direct approach will clarify the present confusion, eliminate apprehension, and contribute to a positive mandate requiring school districts to offer bilingual and bicultural education to all Californians. By so doing, schools will better prepare young people to more fully participate in our social, economic, and political democracy.

Historical Perspective

Bilingual education in its simplest form means teaching school in two languages. When "bicultural" is added, it means that what is taught reflects or incorporates two cultures and traditions. Today, this simple idea has been expanded, compounded, and confounded. There is no one agreed-upon conceptual framework within which to view bilingual education. This lack contributes to compensatory legislation which in turn leads to ill-defined remedial-type guidelines. These can negatively influence program quality. Local, state, and federal bilingual education efforts (1) serve the needs of few of the identifiable category A (LES/NES) students; and (2) are subject to public pressure which questions the legitimacy of bilingual instruction. Consequently, the majority of Californians neither understand bilingual education nor accept it as a legitimate endeavor.

To many Californians bilingual bicultural education is a threat to the well-cherished belief in the "melting pot" and the dream of a monocultural America. Regardless of such beliefs, California is and always has been a multilingual and multicultural society. Much of the apprehension and confusion surrounding bilingual education is due to the persistence of the melting pot ideology within the real world of cultural and language diversity. The schools continue to intercede in this paradoxical situation and espouse acculturationist beliefs and practices (*Badges and Indicia of Slavery,* 1975). Educational institutions are almost universally viewed as an important agent of directed social change. The schools encourage rapid Americanization and a curriculum that excludes the "foreign language and culture." This practice negatively affects all Californians in one way or another. It attempts to radically change minority children and their culture but usually fails to do so. At the same time, it deprives majority language group children of knowledge about, and insight into, the real world in which they must live.

Much of the uncertainty about bilingual bicultural education revolves around the issue of what should be the function and goals of public schools in a culturally and linguistically pluralistic society. Since statehood, California's implicit and explicit educational policy has reflected the generally held belief that schools should be the major institution to foster acculturation. This is accomplished by the virtual exclusion of the language and culture of ethnic minority populations. The belief that the school was instrumental in

the acculturation to assimilation process is widely held but is probably not historically valid (Greer, 1972). In this context acculturation implies the group process of taking on a new culture and language. Assimilation is defined as meaning social integration: the movement into and up the status ladder of society. An assimilated population is one that is proportionally represented at all levels of society. The very persistence of cultural diversity and lack of assimilation is a classic demonstration that neither society nor its schools have accomplished what so many Americans desire. Neither California nor the nation is monocultural nor monolingual (Glazer and Moynihan, 1970). Many identifiable groups are not structurally integrated. Witness the extreme overrepresentation of Chicanos and blacks in poverty and their underrepresentation in the higher social classes and occupational groups. Regardless of these realities, California schools continue to foster monoculturalism by excluding the social, cultural, and linguistic reality and substituting a highly idealized English-speaking middle class culture. Contemporary acceptance of the cultural deficit assumptions and the schools' implementation of compensatory education in its many forms is merely a more socially acceptable version of earlier, more overt and forceful acculturationist practices.

Concomitant with the schools' presentation of an idealized monocultural and monolingual society is a long history of discrimination. Social discrimination against linguistic, racial, and cultural minorities began with the first European settlers and continues to the present (McWilliams, 1949; Wollenberg, 1976). Cultural exclusion, language prohibition, school segregation, and social and economic discrimination faced many minority groups. Much still does. School segregation and "English only" rules were historically rationalized as appropriate means to foster acculturation. Such practices were and are unjust and counterproductive. While hurting the groups discriminated against, such practices effectively isolate majority language group children from sustained contact with large and important population segments. This encourages the belief that California was and is indeed the monocultural society depicted in school. What little in school reflects the other languages and cultures is usually stereotyped and biased (Daniels, 1972).

One minority group response to such discrimination and forced acculturation is the development of language and heritage associations and schools. Hebrew, Japanese, Chinese, and many other language group institutions were and are common. While few Spanish-Mexican schools existed in California, many did in other sections of the Southwest (Carter, 1970). Such schools were intended to perpetuate traditions. The English-speaking students did not attend such institutions, further isolating them from pluralistic California.

In spite of token efforts toward a multicultural curriculum, California schools continue the long tradition of monoculturalism. Most English-speaking children have little contact with or understanding of their culturally and linguistically different peers. Very few majority group children participate in bilingual bicultural education. Such programs are primarily designed for non-English speakers and the so-called disadvantaged. Most Californians rarely come into sustained contact with the culturally different in school or in the community. De facto segregation in the schools continues and is probably increasing (Orfield, 1978). Even in ethnically balanced schools, educational practices separate ethnic and racial groups: rigid ability grouping and curriculum tracking are particularly separatist (Carter, 1970; Findley and Bryan, 1970). The cultural and social isolation of the majority group continues and is probably increasing.

Bilingual education as presently implemented in California contributes to the separation and isolation of the majority language group. The legal mandates to desegregate and to provide bilingual education can, and often do, run counter to each other. For example, in California a bilingual bicultural education class or school would be almost invariably all Mexican-American (or other minority) and thus out of racial or ethnic balance. This might not be technically the case in a district that is close to 100 percent Mexican-American. Bilingual instruction in such schools would usually be in two languages only for the Spanish-speaking student. This is what is commonly referred to as a one-way bilingual school in which one group of children learns in two languages (Gaarder, 1967). For example, Spanish speakers learn in Spanish and English. On the other hand, a two-way school is one in which two linguistic groups of children learn in two languages. For example, Spanish monolingual and English monolingual students learn in Spanish and English in the same class or school. A two-way situation may or may not be segregated. It is out of ethnic balance if both the segments (e.g., Spanish and English monolingual students) are Mexican-Americans. While the law allows and encourages English monolingual students to volunteer for bilingual bicultural classes, it does not control or stipulate their ethnicity. As a result, over 80 percent of all children in bilingual bicultural education programs in California are Mexican-American: perhaps 90 percent of all enrolled children are ethnic minorities. Unfortunately, it is impossible to acquire valid data on the racial and ethnic composition of bilingual bicultural programs in the state. Both bilingual bicultural education and ethnic bal-

ance are mandated by federal and state regulations; often it is difficult to obey both directives simultaneously. Unfortunately, bilingual education as presently practiced tends to contribute to ethnic isolation and to the "acculturation to assimilation" function. Such practices deprive majority and minority groups from the possibility of a potentially rich cultural and educational experience.

During the early 1960s, a few public schools implemented bilingual bicultural education without special funding or legislative mandates. In bilingual communities, two languages exist side by side. Commonly a subordinate-superordinate social and economic relationship characterizes the two community language segments. The pattern in California is for the Spanish-speaking society to be partially or totally bilingual and the English-speaking segment to be essentially monolingual. Those sponsoring these early programs subscribed to the notion that bilingual bicultural education was to serve all children within the community. The programs were not intended solely to teach the "foreigner" English or to aid the "disadvantaged." They were for the enrichment of all—not solely programs to compensate for the minority child's assumed inadequacies.

The so-called philosophy of these early programs was "enrichment." The word itself implies the school's functions as well as its desired ends. The language and cultural riches of the community were reflected in the school's curriculum and other activities. Enrichment programs were (and are) based on the assumption that language and culture are natural resources. The school should include such resources in the curriculum for the benefit of the individual as well as the community. This kind of bilingual bicultural school reflects what exists in the real community. The children in such a school should develop into individuals who are able to understand and interact successfully with such a society. As one critic of bilingual bicultural education put it: "This approach would define . . . (such) programs as a way of sustaining and building valuable national language resources, opening other worlds to all. It would raise no serious social or political issues" (Epstein, 1977, p. 7). Enrichment bilingual education is based on the assumption of cultural sufficiency, not deficiency or deprivation. It is based on the idea that students of culturally and linguistically different backgrounds have much to contribute. Rather than seeing the "disadvantaged" as failing school and society because of their deficiencies, the promoters of enrichment programs saw the school and society as failing them. Enrichment programs would serve the advantaged and the disadvantaged equally well.

Few of these early enrichment programs exist today. Federal and state legislation, operating guidelines, and funding requirements encouraged a quick movement toward transitional programs based on the culturally disadvantaged model. Such programs do not modify the monocultural school, nor do they involve many children from the linguistic majority. Transitional bilingual bicultural education, like all other compensatory programs, is directed toward the improvement of cognitive and affective aspects of disadvantaged children. Existing bilingual bicultural programs were meshed into this preconceived and well-established conceptual mode. Bilingual education became one more of the many compensatory education programs. Bilingual bicultural programs were forced into a mold that (1) judged success on the degree the disadvantaged learn English and are able to function in the standard school; (2) discouraged majority language group participation; and (3) generally did not encourage high-quality schooling. Transitional goals and organization were substituted for enrichment. The promise of supplemental funds and new positions encouraged the rapid development of transitional compensatory bilingual education in California. With this change, a great many more students were involved; however, with the demise of the enrichment programs, majority group participation diminished.

Federal and state action inadvertently encourages a kind of bilingual bicultural education that discourages majority group participation; official guidelines discourage the development of bilingual education as enrichment and a high-quality mode of schooling. Such action does little to foster significant institutional improvement since compensatory education incorrectly assumes that there is little wrong with school and much wrong with the disadvantaged children (Tesconi, 1975). The unfortunate outcome of such developments is that the vast majority of California's schoolchildren are deprived of a bilingual and bicultural learning experience. Thus they are less able to understand or successfully cope with California's social, cultural, and linguistic reality.

The English-speaking majority group is the slighted majority of California. In our conceptualization, this category consists of ". . . a student population which is English dominant and from the majority linguistic background." This is a residual group; that is, it includes all children not found in LES/NES, bilingual, or English-language-dominant minority groups. Perhaps 75 percent of all California school-age children are in the English-speaking majority group. This group includes children of all social classes—the poor and the rich; the powerless and the powerful. The

English-speaking majority group contains a significant number of students who are considered culturally or educationally disadvantaged. All races are included; however, black and Caucasian students predominate. Perhaps 95 percent are from these two racial groups. Included are some children who may be considered "ethnic." However, it does not include ethnic children who come from a viable non-English tradition. *Viable* is the key distinction. A viable language tradition is one in which it is generally recognized that the group preserves or attempts to revive a non-English language. Such children would be considered to be in the English-language-dominant minority group or category C. For example, Mexican-Americans are in category C, while German-Americans are in the English-speaking majority group or category D.

In spite of feeble efforts to the contrary, California public schools remain essentially monolingual and monocultural. The pervasive belief is that the proper role of school in a culturally pluralistic society is to encourage acculturation into the dominant language and a monocultural tradition. Bilingual bicultural education began as enrichment for all children and as a reflection of the linguistic and cultural reality of the community. Governmental action, reflecting acculturalist and deprivationist assumptions, encouraged bilingual education programs to become transitional. With this change in organization and goals, bilingual bicultural programs became programs for the non-English speaker and the disadvantaged ethnic minority student. Only a few English-dominant category D children participate in such programs. The vast majority of California school-age children have no bilingual or bicultural experience nor do they acquire the skills and understandings associated with it.

Present Day California

Little useful objective information is available that clearly describes the organization or student composition of bilingual education programs in California. Lacking such information, it is most difficult to portray the contemporary situation. Much reliance must be put on pooling professional experience. Hopefully, this results in valid descriptions and reasonable numerical estimates. The task of describing and analyzing California's bilingual bicultural efforts is based on the assumption that program elements affect program outcomes. That is, that certain combinations of school conditions lead to, or are casually related to, desired results. Interaction of these school factors with the social environment determines whether the program is a transition, maintenance, or enrichment program. Stated goals, "philosophy," or desired outcomes do not determine the nature of programs; rather, the inverse is true. This kind of reasoning is employed to clarify the situation, moving the discussion from the abstract and politically charged level of philosophy and intent to the practical level of organization and application. Such an approach is particularly difficult in the present context because so little is known about the organization of California bilingual bicultural education. Two types of programs are described. Drawing on professional experience and the limited information available, relationships between school inputs and outputs are developed and conclusions suggested.

The Typical Program

California's bilingual bicultural programs have many characteristics in common. While programmatic variations, curricular differences, and administrative patterns vary, such differences are viewed as having little consequence. Whether a certain text or system is employed is of great significance to practitioners, but it makes little difference in the overview. About 95 percent of California's bilingual bicultural activities share all or most of the following characteristics:

1. The programs are very short-term efforts; only a very few extend beyond the third grade. Articulated kindergarten through grade six programs represent less than five percent of the bilingual education programs.
2. The programs are, in almost all cases, instructional. They are only a part or segment of the total school activity. Only in the rarest of cases are all district schools involved. Bilingual education is a component of school and district only, not a total organization effort. Sometimes it is merely a variation of English as a second language.
3. Most of the students are from minority groups. Perhaps 90 percent are from LES/NES, bilingual, or English-language-dominant groups. Some 80 percent are of Mexican (or other Hispanic) origin or descent. This includes Chicanos, who are non-English speakers, bilinguals in varying degrees, or are monolingual in English. Many are from low-income communities. Less than one in ten is a category D English-speaking student. Almost all programs follow a two-way organization; that is, both English and Spanish speakers are taught in both languages. However, the vast majority of English speakers are Mexican-Americans. Ethnic isolation characterizes most classes or programs. Many schools with bilingual bicultural programs are out of ethnic bal-

ance and would be considered segregated by state and federal standards.

4. The schools are located almost invariably in economically depressed neighborhoods. The vast majority of bilingual bicultural schools are in Chicano barrios or other ethnic enclaves.
5. The schools are staffed mostly by members of the minority linguistic group. However, many certificated staff members are not fully proficient in the student's mother tongue. The instructional aide often is the only proficient speaker of the other language. Often, neither the teacher nor the aide is fully literate in the other language. Certificated staff are almost always newly employed and nontenured. Both certificated and noncertificated personnel tend to occupy noninstitutionalized "soft-money" positions that are lost when special funding disappears.
6. Two languages are used; however, English predominates. The other language is minimally employed. It serves as a "bridge" to reach English proficiency. The other language is neither used often enough nor for a sufficient number of school years to encourage the student to learn it. The other language vernacular usually is excluded in preference to employing the socalled standard version.
7. The programs tend to treat superficially the other cultural tradition. Little time is devoted to the other culture. When it is included in the planned learning activities (the formal curriculum), the other culture is usually portrayed in its romantic and stereotypic form. Bilingual bicultural activities are permeated with activities emphasizing folk customs, national holidays, fiestas, dances, traditional costumes, and typical food items. Other aspects of the very real and viable culture are rarely included. As with the other language, the other culture is rarely intended to be learned or understood; rather, it is another bridge to facilitate positive cognitive and affective development.

If such conditions characterize California's bilingual bicultural programs, only one conclusion is possible. Regardless of philosophy or advocated outcomes, such programs can only be transitional. The very nature of these programs prevents them from achieving enrichment objectives.

Compensatory bilingual bicultural programs serve the disadvantaged target population. They provide limited other language and culture instruction in order to encourage learner "comfort" and enhance self-concept. Because of the limited time provided, students cannot gain proficiency in the other language. Very clearly, these programs attempt to follow the state and federal minimal requirements to compensate and remediate cognitive and affective language deficits of the student population. Whether the programs are capable of reaching these outcomes remains to be seen. Preliminary and inadequate evaluation indicates they do not (*Bilingual Education: An Unmet Need,* 1976); however, there is limited but promising evidence to the contrary (Dulay and Burt, 1977).

Assuming the preceding description reflects California's prevailing bilingual bicultural reality, what of the role of category D students? What do English-dominant youngsters from majority linguistic backgrounds contribute to and expect to gain from such programs? In one sense, such students are an important component of the formal curriculum in all compensatory programs. This is true whether the program is bilingual bicultural or school desegregation. The English-speaking majority students serve as models for English language usage and dominant cultural values. Their presence is seen to represent the majority group's recognition, acceptance, and desire to acquire the other language and culture. This should enhance the ethnic pride and self-concept of LES/NES, bilingual, and English-language-dominant minority group youngsters and contribute to improved affective and cognitive development. The English-speaking group's attendance in transitional compensatory programs is assumed to aid the other students. Whether it does so is unknown.

What can the English-speaking category D students expect to gain from participation in such programs? What are the expected outcomes for these students? Many of the parents of these students have high hopes for bilingual education, believing that their children will become bilingual and biliterate. They also expect their children to learn to successfully interact with other cultural groups. Many parents desire broad humanistic and social integrationist learning for their children; however, little evidence exists that such competence or understanding is being achieved. Statewide reports on bilingual education do not provide information on other language proficiency for English-speaking majority students. No federal or state program demands accountability for the cognitive or affective development of the English-speaking majority children, and rarely are the school outcomes for the group recorded separately. Regardless, the very nature of bilingual education in California indicates that neither cognitive nor affective objectives are being reached. The majority of programs do not provide the effort, emphasis, or exposure that is essential to realistically develop competence in a second language. The presentation of the other culture is such that realistic

understanding or the ability to successfully interact with it is precluded. Such conditions increasingly discourage the participation of English-speaking majority language group children. More and more, category D parents realize that the promised rewards of California's bilingual bicultural education are not forthcoming for their children. Volunteers from this group will diminish unless programs change radically.

Unfortunately, the necessary changes are not being fostered by most educators or by most decision makers. The compensatory model is well established; and viable, well-conceived alternatives are rarely advocated. The continuing withdrawal of English-speaking category D children from bilingual education is indicative of an increasing rejection of the program by the general population. Without the involvement and support of the English-speaking majority, there is little hope for a long-term mandate. The apparent inability of bilingual bicultural programs to reach compensatory objectives for the other groups may contribute to the impending loss of mandate. If state and federal support and funding disappear, very few schools would continue bilingual bicultural programs on their own initiative.

The Enrichment Model

Regardless of professed philosophy, some bilingual bicultural programs are significantly different in program, organization, and student composition. It is estimated that no more than one or two percent of bilingual education efforts in California share the following distinctive characteristics:

1. English and the other language are given approximately equal importance and emphasis. About half of the instructional time is carried in each language: while variation in emphasis is great, overall equal usage of each language is approached.
2. They are relatively long-term efforts, and an articulated kindergarten through grade six program is characteristic.
3. There is a tendency to reflect and incorporate both cultures in the formal curriculum. There is a similar tendency to realistically portray the other culture.
4. There is a tendency to make bilingual education a combined community and school effort. It is more than a segment or instructional component. It influences all institutional aspects. Parents participate in all aspects of the program.
5. The schools or programs approximate the racial, ethnic, linguistic, and socioeconomic composition of the area served. These are not programs serving solely or mostly the disadvantaged. All children (i.e., LES/NES, bilingual, English-language dominant minority, or English-speaking majority) participate in percentages that approximate the community. Ethnic isolation is minimal.
6. Interviews with program administrators indicate that they reject the cultural deficiency models and accept philosophies that stress cultural sufficiency, cultural relativism, and humanistic goals.

As with the other programs described, there is no single organizational pattern that incorporates all these characteristics. Schools that incorporate all or most of these components realistically function to reach enrichment objectives: bilingualism, biliteracy, cultural understanding and acceptance, and the ability to successfully function in two cultural settings.

The very few enrichment programs evolve from an entirely different rationale and set of assumptions than do the majority of bilingual bicultural programs. The enrichment organization evolves from clear recognition and acceptance of the fact that California is multilingual and multicultural and that schools should reflect and incorporate this diversity. It is the antithesis of monoculturalism and the acculturalist perspective. Cultural and linguistic diversity should be reflected in all aspects of the school: its organization, curriculum, administration, and student body. If this becomes an educational reality, students will become fluent in the languages employed in the community and able to successfully deal with social and cultural diversity. In such a school and community, bilingualism, biliteracy, and the ability to interact have great personal and social utility. School will not only become more relevant, but it will provide future social and economic reward for those who gain bilingual skills and bicultural understanding. In turn, the total society will profit. Individuals who understand, accept, and are able to constructively interact with social and cultural diversity will be assets to the community.

Detailed objective information on enrichment bilingual education is even more difficult to obtain than data on the more common types of programs. While limited data on the LES/NES student's cognitive and affective development are available, comparable information on fluent English speakers (FES) and especially the English-speaking majority is difficult to obtain. The failure of government to demand accountability regarding the English-speaking majority in bilingual education has contributed to the lack of objective information. Many educators know a great deal about bilingual bicultural education and its effect upon the English-speaking majority students; indeed, many school districts have significant data, yet little is readily available in usable form due to the nonrequirement for reporting. Only a very few enrichment programs have been objectively evaluated. Some

school personnel appear reticent to discuss programs that include large numbers of English-speaking youngsters, apparently reflecting the fear that they may be in violation of guidelines and that public disclosure could mean loss of funding. However, in the case of the Culver City project, a great deal of study has been undertaken. As no cumulative descriptive data are available, it becomes necessary to draw conclusions from descriptions of individual projects. Even such descriptions were unavailable, and on-site investigations had to be made. Descriptions are restricted to projects in California with one exception. Because of its historical importance, one project in Texas is included. Time and space permit only the most superficial description and analysis. More detailed descriptions of these projects are presented in Appendix C. Only an in-depth study of each project could possibly provide all the information necessary; pending further study, no alternative exists but to draw conclusions (albeit tentative) from the following very limited descriptions. Fortunately, these conclusions are supported by research and evaluation conducted elsewhere.

Texas Project

The United Independent School District serves the suburban and agricultural area that surrounds Laredo, Texas. During the sixties, this district's enrollment was relatively small; however, its boundaries encompassed 2,440 square miles (an area larger than Rhode Island). Three elementary schools and one junior-senior high school served the community. The student population was about 30 percent Anglo and 70 percent children of Mexican descent. Approximately 10 to 20 percent of the latter were middle class. The remaining Chicanos were children of agricultural workers. The middle class Mexican-American children tended to be bilingual (category B) at entering school. Most Anglo children were middle class, and many were from Air Force families who had been exposed to other cultural environments. Much of the impetus for the bilingual program came from this cosmopolitan Anglo population; and their desires were congruent with those of the school's administrators and teachers. Without inside funding, a bilingual enrichment program in grades one through six was implemented in 1964. It was based on the idea that "It is a crime to let any child grow up monolingual in areas where two languages are used." Biliteracy and bilingualism for all was the stated objective. Additional objectives were: (1) to provide all pupils with a better understanding of the nature of language; (2) to cultivate in each pupil a pride in his or her mother tongue and the culture it represents, as well as a respect for the other language and culture; and (3) to achieve a more complete liberal education (*The Invisible Minority*, 1966, p. 16). To accomplish these goals, two-way bilingual instruction was begun in the district's first grades. There was no kindergarten. English and Spanish were treated equally and received approximately equal time allotments. It was hoped that eventually all grade levels would equally stress the two vernaculars. All teachers of the first grade were bilingual. In the other grades, English monolingual students were taught in English while bilingual students were taught in either language. All subjects were taught in both languages at the first grade level. Spanish and English were used interchangeably but never mixed. No predetermined content was taught in one language; the teacher used both languages for all kinds of content and in all manner of situations.

After cursory analysis of achievement scores and class observation, some tentative findings were made. Only the bilingual children (category B) had noticeably accented speech in English. The LES/NES (category A) and English-speaking majority (category D) children's speech was unaccented. Total reading achievement for category A was slightly above grade level at the first grade and slightly below at the second. Category B and D students were substantially above grade level; however, category D students achieved better. Median total IQ (from the *California Test of Mental Maturity*) rose slightly from the second to the third grade for all three categories. Category B showed the largest gain (Carter, 1970). Because analysis was crude, firm conclusions were not possible.

Culver City Program

The Culver City bilingual program was inaugurated in 1971. It is appropriately called the Spanish Immersion Program (SIP). Although a few native Spanish speakers (category A) participate, over 98 percent are category D children. They are monolingual in English when they enter kindergarten. All instruction during kindergarten and grade one is in Spanish. During the second grade approximately one hour of instruction in English language arts is added. The remainder of the curriculum is conducted in Spanish. The amount of instruction in English increases during grades four and five until a near balance is reached in grade six. It is hypothesized that students in the program (1) acquire native-like proficiency in Spanish; (2) make normal progress in achieving the standard objectives of the California elementary curriculum; (3) undergo the normal maturation process in their first language; and (4) develop positive attitudes toward members of the Spanish-speaking community while maintaining positive views toward their own group. Objectives generally have been met for

those students who have attended the program for a sustained period.

San Diego Program

A Spanish immersion project was initiated three years ago in San Diego. This model meets a demand by some category D parents for an intensive bilingual bicultural learning experience for their children. The program places fluent English-speaking students (category D) with non-English-speaking and limited-English-speaking (category A) classmates and immerses them in Spanish for as much as 90 percent of the school day. This involvement with the native Spanish speakers is a unique feature of this immersion model. Instruction for the Spanish-speaking student is similar to that of a full bilingual program, with slightly less English instruction at the beginning levels. In this bilingual bicultural model the beginning-level students develop a strong foundation in concept areas in Spanish with oral language in English. A firm basis in reading in Spanish is established. Then, by about the fifth grade, instruction gradually reaches a balance of Spanish and English. At a minimum, one-half of the students must be category A students.

Nestor School in the San Diego County's South Bay Union School District provides a different approach to enrichment programs. In this program students in categories A and D are instructed in their primary language as they gradually learn the second language. Throughout the school experience, each language maintains its integrity and remains distinct. This model requires the participation of approximately equal numbers of children from categories A and D. At each level, the two groups are brought together in a single or multigrade team-teaching situation (adjacent classrooms). One monolingual English-speaking teacher and one bilingual teacher are required for each group of 60 students. Each teacher represents a specific language model to the students and instructs only in that language. Students experience three learning situations daily: (1) primary language instruction; (2) second language instruction; and (3) mixed group instruction in alternating languages. The amount of time spent in each situation varies in accordance with the student's age and grade level. A systematic development of both the primary and second languages can begin with 10 percent of the instruction in kindergarten and progress to a 50-50 ratio of primary-second language instruction by grade five.

Carlsbad Program

During the mid-1960s one elementary school in Carlsbad, California, initiated a two-way enrichment program. With the active support of the Anglo and Chicano communities, Jefferson School opened its first bilingual kindergarten and subsequently added another grade each year. The school now enrolls some 200 students in kindergarten through grade six. The students in the 11 bilingual bicultural classes approximate the ethnic composition of the district. About 40 percent of the students are category D. Almost all of the children in categories A, B, and C are Chicano. The program continues to be modified and improved. Category D children tend to perform academically slightly above the norm. Category D children in the program for a minimum of three years have been tested in oral Spanish and do remarkably well. Reports indicate that the present program is highly successful. Community support among all groups is good, and efforts are being made to extend bilingual education into the junior high school. While no objective data are available, anecdotal accounts support the notion that interethnic friction is minimal and that stereotyping and ethnocentricism among all groups is diminishing. The social climate appears to be exemplary.

San Francisco Program

For the past 14 years, an enrichment model of bilingual education has been offered to students at the French American Bilingual School in San Francisco. The majority of students are American, non-French speakers, and they come from culturally diverse family backgrounds. While many parents do not speak French, they encourage and support the acquisition of a second language. Furthermore, they are actively involved in school-related activities. This privately supported school provides bilingual instruction to children ages four to fifteen years. Within the next two academic years, the school will expand to include students through the senior high school level. The first seven years are in the Junior School, which corresponds to the American elementary level. The last seven years compose the Secondary School, which has two stages: the Middle House (equivalent to grades six, seven, and eight) and the Senior House (the final four years of senior high school). In the first three years of schooling, French is spoken the major portion of the day with only one hour of instruction in English. Reading in English is introduced during the latter part of this period. When the child enters the second grade, both languages are given an equal amount of instructional time. This continues through the upper grades until the student enters the Middle House, where he or she is given a language option for some academic subject areas.

All students in the Secondary School are expected to participate in the full spectrum of activities. In terms of curriculum, this entails taking two or three

languages, social studies, mathematics, experimental science, creative arts, physical education, as well as participating in the school's extracurricular clubs and activities. Students have consistently demonstrated high academic achievement and enthusiastic support of bilingual education.

Other Programs

Other exciting bilingual bicultural programs that approach the enrichment model can be found. Santa Monica and Woodland, California, are good examples.

The Santa Monica Unified School District offers a bilingual multicultural opportunity for the English-dominant and non-English-dominant children in kindergarten through grade six. The children study basic subject matter in their dominant language; they also study Spanish or English as a second language. Since its inception in 1975, the program has provided over 350 category D students with the opportunity to make substantial gains toward acquiring proficiency in Spanish. There is evidence that parental demand for quality bilingual education will result in the expansion of the Spanish component.

Woodland Joint Unified School District north of Sacramento has experimented with bilingual education for about six years. A partially articulated kindergarten through grade six program serves about half of one elementary school. This school has a large migrant population of students in categories A and B. The ethnic composition of students appears to be within the acceptable variance to desegregation guidelines; that is, the program approximates school and district ethnic composition. About half the bilingual bicultural teachers are either Mexican-American or Anglo; the noncertificated staff is predominately Chicano. Great effort is made to incorporate the Spanish-Mexican local culture; field trips, parent teaching, and other techniques are regularly employed to augment the content. Spanish and English are equally used in some classes. Unfortunately, hard data on category D student academic achievement are not available. Likewise, the students' Spanish-speaking abilities have not been objectively measured. Interviews with staff members indicate that measured achievement of category D students is on a par with comparable peers and that some of these students are gaining functional ability in Spanish. Due to continuing changes in program, staff, and enrollment, few students have been in bilingual education for more than a year or two. With the refinement of curricular planning and grade-level articulation, it is anticipated the program will retain students better. Plans for the future would bring Woodland closer to an enrichment model.

Basic research on bilingualism and the evaluation of programs outside of California have contributed to the understanding and predicting of school outcomes. It is necessary to rely on these studies because little objective data are locally available. The following is a brief review of the more recent research.

While studies early in the century on the performance of bilingual students as compared to monolingual students tended to suggest a negative relationship between verbal intelligence and bilingualism, more recent studies affirm the positive effects of bilinguality on student performance in such areas as cognition, intelligence, and attitude development (Bain, 1975; Cummins and Gulutsan, 1974; Peal and Lambert, 1962). Some of these studies suggest that bilinguality has several positive attributes. These include cognitive flexibility, analytic orientation to language, and improved cognitive processes in general (Ben-Zeev, 1972; Cummins, 1977; Feldman and Shen, 1971).

One example of research in this area of the beneficial aspects of bilingualism for students is the work of Peal and Lambert (1962). These researchers identified several reasons why bilingualism positively affects intellectual functioning. Their reasons were the following:

1. Knowing two languages releases one from the tyranny of words.
2. The bilingual child is better able than the monolingual child to disassociate the essential idea from the particular form it assumes when verbalized.
3. Intellectual processes for the bilingual child are accelerated due to the fact that this child may have a richer linguistic and cultural experience than the monolingual child.
4. The bilingual child develops greater cognitive flexibility as compared to monolingual children.

The general thrust of recent research into the creative and intellectual abilities of bilingual students strongly suggests that access to two languages in early childhood can accelerate certain aspects of cognitive growth.

To summarize, studies of the effects of bilingualism on measures of intelligence do not indicate any deficits when factors such as social class, educational background, and language proficiency are carefully controlled. Contrary evidence suggests that bilingualism can result in greater verbal flexibility and in an earlier development of an awareness of the arbitrariness of the relationship between words and their referents. These results have been interpreted as an enhancement of creative abilities and increased sophistication regarding further language development. There is growing consensus that high levels of bilingualism may carry certain advantages beyond facility with

more than one language. As more research in this area becomes available, it is important for educators to consider providing the benefits of bilingual education to all children.

Conclusions and Recommendations

The preceding descriptions, analyses, and findings provide an inadequate base from which to draw firm conclusions about category D students. Researchers have found minimal objective data concerning bilingual bicultural programs; even less is known about the participation of the majority language group. Regardless, predictions of outcomes are essential. If bilingual bicultural programs that follow enrichment organization were implemented, significant educational and social gains for category D students are predicted. Enrichment bilingual education provides a valuable alternative approach, one that promises to better reach the goals set in AB 65 than do normal school efforts. This is particularly important in contemporary California as such efforts need not entail additional costs. Existing information indicates that enrichment bilingual education for category D students would have the following results:

1. Academic achievement in all subject areas would be at least equal to that of comparable peers. It is probable that such achievement would be better for those enrolled in bilingual education. Evidence has been provided to document that students from middle-income backgrounds would benefit substantially from instruction in two languages (Lambert and Tucker, 1972).
2. The other language would be acquired by students who remained in the program. The majority would reach near-native proficiency in all four language areas: listening, speaking, reading, and writing. Language proficiency would far exceed that of comparable peers in traditional elementary or secondary foreign language programs.
3. The other culture would be known and accepted as having intrinsic value to a greater degree than among comparable peers. Ethnocentricism would be less and cultural relevantism would be greater than among similar students not attending such programs.
4. Research data indicate that nonminority students who participate in bilingual programs have a greater tendency to associate with the minority students; that is, they choose students from ethnic backgrounds different from their own as playmates and study group peers.
5. The ability to function successfully within the other cultural group would be greater than among comparable peers. This is due to the knowledge of the other language gained as well as knowledge of the other society.

No single project in California or elsewhere clearly and conclusively demonstrates such outcomes. Regardless, combining findings from studies with aggregate professional experience leads to these predictions. As with any school program, positive outcomes result from the interplay of many complex factors. Two bilingual bicultural projects with identical organizations and programs can have very different outcomes. Individual, institutional, and community factors are prime determinants of success or failure; and institutional climate is a crucial consideration.

In summary, very little information is available about category D students in bilingual bicultural programs. Since such data are not mandated, they are not provided by the school districts. However, there is every reason to believe that category D students are minimally involved in transitional compensatory bilingual education. Actually, such programs are unattractive as they provide little second language exposure for category D students. The very few projects organized around enrichment models are very attractive to category D students because these could reach the objectives of bilingualism, biliteracy, and cultural understanding for all students. The only conclusion possible is that category D students find little reason to participate in the vast majority of California's bilingual bicultural programs and will increasingly abandon even the present token involvement unless programs radically change.

Recommendations for the present are implicit in the previous sections. Too little information is available—too much is conjecture or based on professional experience. The following kinds of investigations must be undertaken and supported:

1. Descriptive studies must be undertaken to portray all school inputs; e.g., money, human resources, program and curricular components, and student characteristics. An equally objective description of bilingual bicultural outcomes must be made to include all manner of outcomes, not solely those appropriate to compensatory education. Dual language proficiency, academic achievement (in both languages), affective aspects, school holding power, teacher and student satisfaction, and more should be included. Once descriptive information is gathered, further steps are required. Analysis of relationships among inputs and outcomes should be made by organizations independent of those with a vested interest. Simplistic analysis must be avoided: a holistic approach would be most valuable. Bilin-

gual bicultural education is far too complex and socially important to be treated superficially.

2. Institutional and community factors that influence educational change must be studied. In order for schools to institutionalize enrichment bilingual bicultural education, district personnel must analyze the organizational climate and rechannel negative forces that hinder implementation. Organizational receptivity and involvement of district decision makers, principals, and the community are necessary conditions for successful implementation of enrichment bilingual bicultural education. Research should determine what conditions influence change, institutionalization, and social climate.
3. One of the most important areas concerning the future of bilingual education is research. While longitudinal studies on bilingual education are almost nonexistent, Troike (1974) has identified 12 research priorities which include: (1) research on the effect of different instructional methods with different linguistic and cultural groups; (2) research on the effect of teacher attitudes on student achievement, the effect of bilingual teaching on student self-concept, and the effect of linguistically and anthropologically oriented teacher training on teacher behavior and student achievement; (3) research on problems of transfer from native language reading to reading in English; and (4) research on the effect of bilingual education programs on school-community relations and of community attitudes on school and language achievement.

If more valid information in these three areas were available, more rational decision-making would be possible. Unfortunately, research findings do not necessarily guarantee institutional change; therefore, the study of community and institutional factors is of prime importance. If these areas were well studied and causative factors were identified, institutional change could be more readily implemented.

The Future

Considering the present state of the art and the economy, there is every reason to predict the demise of bilingual bicultural education in California. Both compensatory and enrichment approaches may disappear as publicly funded activities. Few people who understand the differences are in positions to influence policy or legislation. Limited and shallow evaluations of bilingual education indicate it fails to reach compensatory objectives; less limited and more objective analysis indicates enrichment objectives can be met. Regardless, to the majority of decision-makers the two approaches are the same: distinctions are unclear. If one is seen to fail, the other will be perceived to fail. This situation is exacerbated by the fact that no clear distinctions are presently made within existing state bilingual bicultural projects. However, even if highly promising objective, descriptive, and analytical information were available, there is only slight reason to believe that decision-makers would heed it. Unfortunately, educational research findings play a minor role in policymaking and legislation. Regardless, a major effort should be made to inform the public, educators, and decision-makers. Laws and educational policies should be modified to redirect bilingual bicultural education. This new direction should encourage all Californians to participate in endeavors that reflect, celebrate, and share the state's cultural and linguistic diversity. Specific recommendations include the following:

1. Official endorsement of deficit assumptions and the compensatory model should be modified to favor enrichment and planned variations that encourage high-quality education. With the demise of official approval, bilingual bicultural education would be freed of mandated conformity and encouraged to develop, implement, and evaluate viable alternative programs against appropriate objectives.
2. The Legislature, in cooperation with state agencies, should develop broad and flexible guidelines to encourage and reward institutional change toward viable programs that are developed in accordance with institutional and community needs. This is preferable to the present funding approach that rewards the school for implementing programs based on predetermined compensatory assumptions and desired outcomes.
3. Demonstration experimental enrichment programs should be funded. Objective description and analysis of the total community and institutional process should be made. Guidelines for experimental projects should be as flexible as possible in order to encourage appropriate variations. Previous studies of institutional factors should contribute to the development of appropriate guidelines.
4. To encourage the development of high-quality bilingual education, regulations, guidelines, and funding policy should be modified to encourage, rather than discourage, representative participation of all language and ethnic groups. Strict formulas or fixed percentages for categories A, B, C, and D should be discouraged. Participation should reflect the district. Existing legislation on guidelines on ethnic isolation should be

modified to allow exceptions where high-quality integrated bilingual bicultural schools can be demonstrated. Ideally, all bilingual bicultural schools should include significant percentages of minority and majority group children.

5. Implementation of enrichment programs within school districts could follow some rather specific forms depending on community language and ethnic compositions. In small bilingual communities (or districts) all schools could be bilingual bicultural at the discretion of the community and with the encouragement of the state. If many small districts were desegregated, an ideal situation for two-way bilingual bicultural schooling would result. In larger, more heterogeneous language and ethnic communities, other approaches would be advocated. Bilingual bicultural feeder system schools should be established. Each system should reflect the language and culture of a significant portion of the community. Such action might result in technically segregated schools. In such cases the flexibility recommended in the previous paragraph should apply.
6. Federal and state money should be concentrated on "start-up" support. Bilingual bicultural education does not require any more to sustain it than does any other high-quality instructional program. Title I or other funds tied to remedial and support services for the disadvantaged should continue in enrichment programs. Disadvantaged students will do as well as, and probably better, in enrichment bilingual education, than they do in compensatory programs. Other funding should be obtained to support and encourage a variety of high-quality bilingual bicultural programs.

During the sixties and seventies, federal and state efforts reflected two major education thrusts. The most important of these was the effort to eliminate social inequality. The school's endeavors in the "war on poverty" reflected the belief that the poor and disadvantaged person could be helped by changing his or her personal attributes. Compensatory education in its many forms was implemented to accomplish this. Transitional bilingual bicultural education was envisioned and supported on the assumption that the use of the other languages and culture would facilitate this remodeling. Unfortunately, this effort subverted the original intent of enrichment bilingual education which was a high-quality effort for all elements of the multicultural community. Category D students are increasingly recognizing that transitional bilingual bicultural education holds no benefit for them. If bilingual education is to be salvaged as a potentially high-quality endeavor for all community elements, it must be encouraged by governmental, professional, and community action. Efforts must be made to redirect bilingual education toward the goals originally conceived and away from those presently mandated.

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Chapter 6

Recommendations; Implications and Challenges

Introduction

Bilingual education in the 1970s may well be characterized as experiencing "the best of times, the worst of times." It has experienced the best of times in that the provision of linguistically comprehensible education as an educational policy has received high visibility and is firmly supported by federal legislation and court decisions.[1] Indeed, bilingual education has emerged as a legitimate means of alleviating past educational inequities for a large segment of LES/NES students who have heretofore been generally neglected by educational institutions. Conversely, the 1970s have been the worst of times in that bilingual education policy has been challenged, notably by Epstein's monograph (1977) and the American Institutes of Research study (1978), at a critical period of development. In the case of California, the concern over bilingual education mandates has been compounded by implementation difficulties, primarily the lack of a sufficient number of certified bilingual teachers and intense competition for funds reduced by the passage of Proposition 13.

A major challenge for bilingual education in the 1980s is to meet legal mandates to serve a rapidly growing LES/NES population in the face of limited human and fiscal resources. Apparently, bilingual education is at a crossroads, and its future may well be predicated on whether policymakers and educators understand its legal and educational foundations and operational issues and have the foresight to view bilingual education in the context of long-term educational policy. The recommendations on bilingual program policy and assessment issues contained in this publication aid immensely in providing much needed clarification.

Recommendations

The panelists' recommendations are presented here. For purposes of presentation, recommendations have been reorganized into the following categories: legislation, state administration, pupil identification, placement and diagnosis, instruction, teacher training, and research and evaluation.

Legislation

Panel A recommended that bilingual instructional programs make special provisions to accommodate various groups (groups B, C, and D) and those with exceptional needs within the LES/NES school population, including the handicapped, the functionally illiterate, and the gifted.

Panel C recommended that:

- Students of a minority language background who are English dominant be given opportunities to participate in bilingual education programs.
- English-dominant language minority students be allowed to participate in bilingual education programs regardless of academic achievement level.
- The needs of English-dominant language minority students be specifically addressed in California bilingual education legislation.

Panel D recommended that:

- Official endorsement of deficit assumptions and the compensatory model be modified to favor enrichment and planned variations that encourage high quality education. (With the demise of official approval, bilingual bicultural education would be freed of mandated conformity and encouraged to develop, implement, and evaluate viable alternative programs related to appropriate objectives.)
- The Legislature, in cooperation with state agencies, develop broad and flexible guidelines to encourage and reward institutional change toward viable programs developed in accord with institutional and community needs. (This approach is preferable to the present funding approach that rewards the school for implementing programs based on predetermined compensatory assumptions and desired outcomes.)

[1] See Appendix B for a review of state and federal legislation.

- High quality bilingual education be promoted through the modification. regulations, guidelines, and funding policy so that representative participation of all language and ethnic groups might be encouraged rather than discouraged. (Strict formulas or fixed percentages for groups A, B, C, or D should be discouraged in favor of representativeness to the district.)
- Existing legislation on guidelines affecting ethnic isolation be modified to allow exceptions where high quality integrated bilingual bicultural schools can be demonstrated. (Ideally, all bilingual bicultural schools should include significant percentages of minority and majority group children.)

State Administration

Panel A recommended that:

- The State Department of Education issue instructions that clarify ESAA requirements vis-a-vis bilingual instruction groupings; namely, that ESAA requirements be waived in limited situations to permit bona fide ability grouping for basic skills and other required subject matter instruction.
- The state encourage and support the development of English instructional strategies and corresponding materials for LES/NES students that are consistent with current knowledge about second language acquisition.

Panel B recommended that:

- The state consider entry and exit criteria based on the relationship between linguistic proficiency and academic achievement.
- The state require that both language and achievement data be routinely collected in any placement decisions and that these data be compared to mainstream monolingual settings.
- Federal and state money should be concentrated on start-up support. (Bilingual bicultural education does not require any more to sustain it than does any other high quality school activity. Title I or other funds tied to remedial and support services for the disadvantaged should continue in enrichment programs. Disadvantaged children will do as well as, and probably better, in enrichment bilingual education than they do in compensatory programs. Other funding should be obtained to support and encourage a variety of high quality bilingual bicultural programs.)

Panel D recommended that:

- Implementation of enrichment programs within school districts could follow some rather specific forms depending on community language and ethnic compositions. (In small bilingual communities or districts, all schools could be bilingual bicultural at the discretion of the community and, hopefully, with the encouragement of the state. If many small districts were desegregated, an ideal situation for two-way bilingual bicultural schooling would result. In larger, more heterogeneous language and ethnic communities, other approaches are advocated.)

Pupil Identification

Panel A recommended that:

- A two-step process of the *Home Language Survey*, followed by English proficiency assessment, be used to identify LES/NES students.
- The *Home Language Survey* be revised (1) to allow inclusion of more than one language response; (2) to allow instructions that explicitly require an interviewer who speaks and understands the student's primary language when the *HLS* is administered; and (3) to make the *HLS* part of pupil registration.
- The second step in LES/NES identification be oral English proficiency assessment, in which certain criteria are met. (The criterion for limitedness should be derived from a comparison with English proficiency levels of native English-speaking peers, a sample of which would meet certain specification; that is, (1) phonology should be deemphasized as an aspect of language to be assessed; (2) the assessment process should include natural communication tasks rather than rely solely on linguistic manipulation to elicit speech; and (3) the topical content of test items should not contain cultural bias that would adversely affect the test scores. In addition psychometric requirements of validity, reliability, and field testing should be met; and the assessment process should specify precisely the criteria by which students are classified as LES and NES.)

Panel B recommended that:

- The state require the use of proficiency measures as opposed to dominance in the establishment of entry and exit criteria.
- The state include a measure of home language proficiency as a means for reducing the number of children identified as bilingual who are not proficient in either English or the home language.

Panel C recommended that a valid and reliable process for assessment of language proficiency in the X language as well as English be developed for the English-dominant minority language student.

Placement and Diagnosis

Panel A recommended that:

- The educational placement of LES/NES students be guided by assessment of their english and primary language proficiency and their literary skills and subject matter achievement in the primarly language.
- The assessment of oral English proficiency conducted for identification purposes serve a dual function.(That is, it should be used for placement in appropriate English language instructional groups and English language curriculum sequence.)

Panel B recommended that the state consider entry and exit criteria along a single continuum which is consistent for all children and which recognizes that similar placement recommendations may be necessary for different types of children and for different purposes. (Thus, a child who is limited in English and fluent in the home language may be placed in a bilingual program for different reasons than would be a child who is limited in both the home language and English.)

Instruction

Panel A recommended that:

- Instruction for LES/NES students in basic skills be conducted in the students' first language. (Because it is essential that LES/NES students be able to apply the skills in English language contexts, after the students' grasp of the subject is assured, strategies that facilitate transfer to English applications should be developed. Included in the definition of basic skills is the continuing development of the students' primary language.)
- Classes in such curriculum areas as art, music, and physical education be conducted in English as well as the primary language.(They can, if carefully planned, offer special opportunities for both ethnic integration and language learning through the interaction between LES/NES students and fluent English speakers.)
- Time be provided daily for English language instruction.
- Communicative interactions with native English-speaking peers be fostered during periods such as physical education, art, and music.

Teacher Training

Panel A recommended that:

- Competencies required of bilingual and ESL teachers include a knowledge of the psycholinguistic and sociolinguistic aspects of second language acquisition and corresponding instructional strategies and techniques.
- Teacher education programs, credentialing requirements, and program evaluation criteria be revised to reflect the current state of the art in applied linguistics with respect to second language acquisition; namely, an emphasis away from habit formation and contrastive analysis tenets and toward developmental processes, such as creative construction.

Panel C recommended that:

- As a natural extension of Assembly Bill 1329/76 and in view of the national trend toward reinstatement of the foreign language requirement in the universities, two years of post high school foreign language study or equivalent be required of all future teachers and other certificated support staff personnel.
- The core curriculum of state-approved teacher preparation programs reflect a multicultural perspective requiring a field practice component which deals with a wide range of student needs, to include but not be limited to, the needs of English-dominant language minority students.

Research and Evaluation

Panel A recommended that:

- Research be supported to study the relationship between L1 and L2 language proficiency and L1 and L2 school achievement.
- Research be conducted to determine the characteristics of English-speaking ethnic minority students whose primary language is not sufficient to support the learning of basic skills in that language.
- Government-supported bilingual programs be required to conduct formative evaluations to determine the effect the program is having on student academic performance, thereby providing feedback for the improvement of instructional programs; and that summative evaluation not be required until at least five years after the initial implementation of a bilingual instructional program.
- Minimal criteria for sound evaluation design be issued by the funding agency and sufficient funds be set aside in project budgets to permit sound formative evaluation.
- Research and evaluation of program effectiveness seek to pinpoint features of the program and the larger school environment that are critical to success.
- The state assume responsibility for broad-based research on the effectivenes of bilingual instructional programs to give guidance to policy development and implementation.

Panel B recommended that:

- Entry and exit criteria be established which minimize statistical error and provide an acceptable level of statistical probability that entry and exit decisions are correct.
- The relationship between probability of success and different placement decisions such as in bilingual or English-as-a-second-language programs be determined.
- The predictive validity of different entry and exit criteria and attendant measures be examined across developmental, socioeconomic, geographical, linguistic, (Spanish, Chinese, Portuguese, and so on) and other dimensions.
- Research be conducted to determine the equivalence between different linguistic assessment approaches and devices claiming to provide indices of linguistic proficiency.

Panel C recommended that a research agenda be instituted that specifically addresses the many unknowns concerning the English-dominant language minority—demographic, linguistic, social, academic achievement, psychological, occupational, and so on.

Panel D recommended that demonstration experimental enrichment programs be funded. Careful objective description and analysis of the total community and institutional process should be made. Guidelines for experimental projects should be as flexible as possible to encourage appropriate variations. Previous studies of institutional factors should contribute to the development of appropriate guidelines.

In summarizing the recommendations, one recognizes several major themes:

1. *Bilingual education* is a misnomer. While bilingual instructional approaches are permitted and even encouraged, bilingual programs serve a limited segment of the school population, and nothing in present legislation speaks to or supports the merits of being bilingual.
2. LES/NES students are not homogeneous but represent diverse levels of linguistic and cognitive skills which must be better diagnosed and appropriate instruction provided.
3. Bilingual programs, through legislation, should be expanded to serve bilingual, English-dominant language minority students and majority students.
4. Bilingual programs must maintain an enrichment program posture and avoid becoming compensatory programs.
5. Existing bilingual program requirements such as fixed percentages for groups (LES/NES versus FES), regulations, guidelines, and funding policies should be modified so that the development of high quality programs within specified parameters might be improved.
6. Teacher training programs should be expanded to include provision for language development programs reflective of the current state of the art.
7. A critical need exists for conducting bilingual research in the areas of entry and exit criteria, learner characteristics, language transfer criteria, and basic research of planned variation models.

These themes clearly suggest the need to move on a multitude of legislative, policy, program, teacher training, and research issues simultaneously. The implications and challenges are indeed formidable.

Implications and Challenges

Bilingual education is a complex phenomenon. It is a unique program of instruction in which a multitude of skills and knowledge, ranging from pedagogical and linguistic theories to affective development, come into practice. As such it is not unusual that the principal agent of instruction—the teacher—must be well-versed and must possess a multitude of skills. It is also not unusual that, given the relatively short life span of bilingual education, the realization is just now becoming evident as to how little is known about bilingual education and how much more needs to be done to make bilingual education more effective.

The discussions and recommendations of the previous chapters in this publication suggest three major challenges:

1. Continued update of legislative and administrative policies to reflect recent developments
2. Legislation to expand bilingual education as an enrichment program, including provision to permit more active participation of native English-speaking pupils
3. Basic research in language learning and related areas

Contributions from linguistics, psycholinguistics, developmental and educational psychology, sociology, and other fields are increasing our understanding of bilingual education. Notable among these contributions is research in metacognition, metalinguistics, cognition, bilingual education, and early childhood education (see, for example, De Avila, 1979; Cummins, 1979; Flavell and others, 1968; Cazden, 1976; Pascual-Leone, 1970; and Laosa, 1979). Recent research has not only identified significant variables related to achievement but has found no empirical justification

for commonly held pejorative assumptions.[2] Although the knowledge gained through research as well as experience comes painstakingly slow, it is essential that legislative and administrative policies reflect these recent developments to maximize instructional impact. Bilingual education is as much a process as a program of instruction. Bilingual education is dynamic, not static, and its program content, policies, and legislation affecting it are similarly evolving over a period of time. The extent to which legislation and policy changes are based on the state of the art in teacher training, pupil identification, instructional methodology or other areas, rather than sociopolitical concerns, will determine the extent and quality of services to LES/NES students.

Equally important, a dire need exists for legislation to expand the parameters of bilingual education to provide second-language exposure for students who speak English only. Increased participation by English-speaking students in enrichment-type bilingual programs would aid immensely in reducing social, political, and institutional barriers and foster development of quality programs. Carter's admonition that the full operationalization of bilingual education depends in part on the involvement of the English-speaking majority cannot be taken lightly. Bilingual education must involve all ethnolinguistic groups. Without more global participation bilingual education will surely fall victim to a compensatory (thus minority-only) program mode. Obvious corollary developments resulting from increased participation of English-speaking students would be the eradication of implicit deficit assumptions related to bilingual education or enrichment programs together with social equality and a view of bilingual education as a constructive and rewarding enterprise.

Last, basic bilingual research and evaluation must receive increased attention and support. Specifically, need exists for theoretical integration. De Avila's (1979) discussion of developmental psychology and learning set theory and Cummins' (1979) "developmental interdependence" and "threshold" hypotheses represent laudable efforts. Continued examination of theoretical basis is important because theory represents the conceptual foundation from which emanates a series of causal links which translate program outcomes. Similarly, a need exists to research planned variation bilingual programs, particularly the interaction of level of implementation variables (e.g., SES, L1 and L2 proficiency, and so on). Longitudinal three-year to five-year studies of bilingual programs which account for pupil x treatment(s) x context variables are critically needed. The importance of bilingual research cannot be underestimated, for, as Cervantes (1978) has observed, the lack of research and evaluation represents the Achilles heel of bilingual education.

In summary, much remains to be accomplished in bilingual education—in legislation, policy and assessment. The discussions and recommendations presented provide a challenging framework for future activities. Above all, one must keep in mind that the number of limited-English-speaking pupils in the United States can be expected to increase substantially in the future.[3] The ultimate challenge for educators and policymakers alike is to chart a course for bilingual education that does not detract from meeting the long-term issue of serving LES/NES students because of short-term problems. Ultimately, bilingual education provides a vehicle for serving language minority students; and the experience, skills, and knowledge gained can be expected to benefit all students.

[2]There are several cases in point. De Avila (1979) found that language minority students do not possess monolithic cognitive styles. Cervantes (1976) and Carter (1979) found that low self-concept is *not* characteristic of minority children.

[3]The *Children's English Services Study* estimated that there were 3.6 million limited-English-proficient students in the U.S. in 1978. Of these, 594,000 resided in California (National Institute of Education, forthcoming).

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Appendix A

The Rights of Students with Limited-English Language Skills Under Federal and State Laws: Real or Imagined Conflict?

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Introduction

The authority for dealing with matters of education traditionally has been lodged with state government. Most states, in turn, delegate broad powers and responsibilities to local educational agencies vesting them with wide discretion in formulating education policy. Federal intervention in the affairs of schools is resented, and, at times resisted. But, often in the absence of federal initiatives, the rights of minority school children go unfulfilled.

The involvement of federal courts in school affairs was relatively rare before the 1954 landmark desegregation case of *Brown* v. *Board of Education*.[1*] Efforts to implement the mandate of the decision, primarily in the South, brought education issues before the federal judiciary with increasing frequency. Affected school officials decried this intervention, complaining that the courts' involvement constituted excessive and overzealous judicial encroachment.

Beginning with the infusion of federal education funds, the role of the federal executive and legislative branches in education matters expanded rapidly. Some trace the beginning to 1958 when "Sputnik I . . . blew open the doors of the federal vault. . . ."[2] Federal expenditures for education increased markedly with the passage of the Vocational Education Act of 1963.[3] With the enactment of the Elementary and Secondary Education Act of 1965 expenditures increased dramatically.[4] Naturally, these federal dollars were not for school districts to spend as they pleased. Conditions governing the use of such funds were detailed; however, the funding statutes themselves did not expressly safeguard the civil rights of minority groups.

The Civil Rights Act of 1964 prohibited school districts that received federal financial aid from discriminating on the basis of race, color, or national origin.[5] Since virtually all 17,000 school districts in this country receive federal funds to assist them in some fashion, the antidiscrimination provisions of the Civil Rights Act of 1964 applied to almost all the nation's schools.

Not surprisingly, federal spending on education does not provoke much criticism from state or local education agencies. Federal generosity of this sort is generally applauded, and the more generous, the more sustained the applause. The role of federal administrative agencies, however, as rule makers and enforcers of the civil rights of minority school children is generally belittled. State and local school officials jealously guard the powers and prerogatives accorded them, and they resent direct federal intervention in matters of education policy. Local school officials react similarly even when state education officials seek to set education policy. This appears to be no more or less true in California than elsewhere.

The conflicts and antagonisms arising among local, state, and federal educational agencies often arise from disagreements concerning the growing body of state and federal laws and regulations aimed at protecting the rights of minority students and ensuring equal educational opportunities. If these laws and regulations are detailed, precise, and mandatory, they are frequently criticized by some school officials as usurping local education authority—substituting the judgment of legislators, bureaucrats, and lawyers for that of educators, and unnecessarily straitjacketing a school system's freedom to innovate and individualize. If, on the other hand, these laws and regulations are flexible, broad, and permissive, local school officials often are heard to criticize them as vague, ambiguous, confusing, and providing little guidance. All of this has been no less true where the rights of limited-English-speaking students are concerned.

What follows is a comparative analysis of the principal federal and California legal requirements affecting limited-English-speaking students. Those who seek to find conflict and contradiction between these requirements will be disappointed. For, in most respects, the legal mandates are

*See footnotes at the end of this appendix.

virtually the same, and where they are different they are easily harmonized. It is hoped that this analysis will improve the understanding of what the law requires, and through this heightened understanding improve the educational opportunities for limited-English-speaking students in California.

The Rights of Limited-English-Speaking Students in California

The legal sources of a school district's federal obligations to limited-English-speaking students derive from federal civil rights[6] and funding statutes,[7] implementing regulations,[8] guidelines,[9] and court decisions.[10]

Federal Obligation

The Supreme Court in 1974 first addressed the issue of the rights of students of limited-English-speaking ability in *Lau* v. *Nichols,* a case involving the San Francisco Unified School District.[11]

The *Lau* opinion touches on fundamental issues of what constitutes equal treatment, and it may be construed as going beyond the ruling that HEW can promulgate reasonable regulations and guidelines in implementing acts of Congress. The Court considered whether students who do not understand English receive equal treatment when English is the sole medium of instruction. It reasoned: "Under these state-imposed standards there is no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education."[12]

The lower courts had ruled that offering identical services to all students is sufficient to meet the strictures of the Equal Protection Clause of the Fourteenth Amendment and implicitly of Title VI of the Civil Rights Act of 1964, even though students actually received disparate benefits: "It seems obvious that the Chinese-speaking minority receives fewer benefits than the English-speaking majority from respondents' school system which denies them a meaningful opportunity to participate in the educational program—all earmarks of discrimination banned by the regulations."[13]

A critical underpinning of the Court's decision was a memorandum issued by the Department of Health, Education, and Welfare (HEW) on May 25, 1970, regarding children of national origin minority groups with limited English language skills. The memorandum informed school districts that they must take affirmative steps to rectify English language deficiencies—steps that would go beyond providing the same books and teachers to all pupils. The Court reinforced this requirement. Construing Title VI broadly, it found that the statute proscribes treating different people identically when the results will be different. Any narrower view might have led the Court to disregard the Title VI regulations and guidelines as going beyond the scope intended by Congress for Title VI and, accordingly, as imposing an unauthorized condition on the disbursement of federal money.[14]

Although bilingual education was the relief originally demanded in the complaint, by the time *Lau* reached the Ninth Circuit Court this request for specific relief had been abandoned, and all that was sought was effective affirmative steps on the part of the school district. The Supreme Court opinion did not mandate a specific approach to teaching national origin students with English language problems. As Justice Douglas noted at the outset of the Court's opinion:

> No specific remedy is urged upon us. Teaching English to the students of Chinese ancestry who do not speak the language is one choice. Giving instructions to this group in Chinese is another. There may be others. Petitioners ask only that the Board of Education be directed to apply its expertise to the problem and rectify the situation.[15]

The *Lau* decision must be read not only as upholding the May 25 memorandum, but also as reaffirming the general authority of HEW to issue and enforce reasonable interpretative guidelines consistent with the purpose of Title VI. In the summer of 1975, the U.S. Office of Education and its Office for Civil Rights (OCR) jointly issued the findings of a task force set up after the *Lau* decision. Commonly referred to as the "*Lau* guidelines," the findings outline, among other things, educational approaches found to be appropriate affirmative steps toward opening the instructional program to non-English-dominant students.

Some school districts faced with *Lau* compliance directives from the Office for Civil Rights (OCR) have raised questions regarding the "legality" of the *Lau* guidelines. These questions focus on: (1) the failure of the Department of Health, Education, and Welfare to publish, or otherwise formally elicit comment on the guidelines; (2) the force and effect of the guidelines; (3) the application of the guidelines as standards of compliance (determining violations of rights) and standards of remedy (determining the adequacy of programs sufficient to remedy a proven violation); and (4) the scope of discretion allowed local educational agencies by the *Lau* guidelines.

In the only two cases in which a federal court has been called upon to apply the *Lau* guidelines and consider these questions, the attempts by the defendant school districts to cast doubt on the *Lau* guidelines was rejected. One federal court has found the *Lau* guidelines are entitled to "great weight" and ordered a defendant school district to submit a plan in compliance with them.[16] Subsequently, this same court in another case determined that the *Lau* guidelines are used by the Office for Civil Rights as a standard of compliance.[17]

The *Lau* v. *Nichols* decision itself must be read as upholding and reaffirming the general authority of HEW to issue and enforce reasonable interpretive guidelines that are consistent with the purpose of Title VI of the Civil Rights Act of 1964.[18]

School districts will have difficulty asserting that the *Lau* guidelines are unreasonable or inconsistent with Title VI, especially since program approaches are presented as options and alternative programmatic approaches are acceptable if shown by school districts to be equally effective.[19] The flexibility and permissiveness of the *Lau* guidelines, which some adherents of bilingual education have

faulted, should save them from being struck down by the courts.

The Office for Civil Rights has stated that although it does not look on the *Lau* guidelines as regulations "with the force of law," they are "entitled to weight as an agency interpretation" and are to be considered comparable to the HEW 1970 guideline upheld by the Supreme Court in *Lau* v. *Nichols*. Whether labeled a guideline or an agency interpretation entitled to great weight, the *Lau* guidelines clearly cannot be disregarded by school districts.

State Obligations

The California mandate to serve limited-English-speaking students emanates primarily from the Chacon-Moscone sponsored Bilingual Bicultural Education Act of 1976[20] (AB 1329 Chapter 978/76), regulations,[21] and administrative interpretation.[22] Assembly Bill 1329 contains the basic framework for providing bilingual education programs for limited-English-speaking students enrolled in California public schools,[23] and although five subsequent statutes have amended AB 1329,[24] the provisions have remained largely intact.

There are no irreconcilable conflicts between federal and California law. As shown below, in some respects the federal obligations are more prescriptive; in other respects the California law is. In most areas of concern, the requirements are compatible.

Identification of the Student's Primary or Home Language

California law requires that there be a census by "individual, actual count" of limited-English-speaking students by March 1 of each year.[25] The first step in the census undertaking is determining the primary language of each student. This is followed by administering an oral language proficiency instrument to each student whose primary language is other than English.[26] All students are to have their primary language identified, but only those students whose primary language is other than English need be given a state-approved oral language proficiency instrument.[27]

The Home Language Survey

The State Superintendent of Public Instruction, pursuant to his authority to prescribe a uniform census-taking method,[28] has adopted and directed the use of the Home Language Survey. The Home Language Survey asks the following questions: (1) What language did your child learn when he or she first began to talk? (2) What language does your child most frequently use at home? (3) What language do you most frequently speak to your child? (4) What language is most often spoken by the adults at home?

Instructions accompanying the Home Language Survey make clear that school officials are responsible for making appropriate translations of the surveys.[29] If the necessary home language information is not retrieved, follow-up efforts by school officials are required. The instructions accompanying the Home Language Survey suggest how this is to be done: through home visits, telephone contacts, or follow-up letters; however, the instructions are silent as to the qualifications required of persons who conduct the follow-up procedure.

The *Lau* Guidelines

The *Lau* guidelines require school districts to identify those students whose "primary or *home language* is other than English" (emphasis added). These students are characterized by any one of the following descriptions: (1) a student's first acquired language is other than English; (2) the language most often spoken by the student is other than English; or (3) the language most often spoken in the student's home is other than English, regardless of the language spoken by the student. The guidelines do not expressly specify the methods of primary or home language identification as does California law, but they do state "who" is to do the identifying. Only persons who can speak and understand the necessary language are to identify students. The guidelines suggest that the students and/or parents be interviewed. This may be accomplished through face-to-face interviews at registration, in school, at home with the parent or student, or through telephone contacts.[30]

Still unclear in the *Lau* guidelines are such matters as the content of the interviews and instruments, the criteria to be used to make a home language determination, or the kind and duration of necessary observation.

Compatibility Between State and Federal Law

If one compares the criteria in the *Lau* guidelines for identifying students who have a primary or home language other than English with the Home Language Survey questions, it becomes obvious that the guideline criteria and the survey questions are virtually identical.[31] Although the Home Language Survey is attractive because of the ease of administration, there are predictable risks. Provided there are certain safeguards, however, the use of the Home Language Survey in California should be accepted by federal authorities as satisfying student identification requirements contained in the guidelines, even though there is no face-to-face interview by bilingual personnel.

Administrators of the Home Language Survey should be aware of the risks involved. First, there is the danger that the parents will receive a survey form in a language they do not understand. Second, there is the assumption, not always appropriate, that the parents receiving the surveys are literate. Even those who are illiterate may still attempt to complete the survey, increasing the likelihood of inaccuracies. Third, significant numbers of the surveys may not be returned. Fourth, where high school students are permitted to complete the Home Language Survey themselves, or are the sole source of the information sought, some will wrongly identify themselves as having English as their primary language in order to avoid taking the language assessment test and possibly being required to enroll in programs for the limited-English speaking. Fifth, parents may indicate that English is the primary language of their children when it is not for the same reason as that given by high school students or because they attach a stigma to the non-English-speaking label.

These risks may be minimized through a number of preventive measures. First, students for whom home language information is not available or is reasonably suspect should have their language fluency assessed through the language proficiency instrument. Rather than run the risk of failing to include a student in the language assessment process simply because the student's primary language has not been determined, the State Superintendent of Public Instruction has wisely opted to have all such students' English language abilities assessed. This provision must be rigidly enforced. Second, a sampling of the accuracy of the information obtained through the Home Language Survey should be verified by persons who are most likely proficient in the language of the parents. Third, when the number of students to be identified becomes more manageable after the initial mass screening, the Home Language Survey could be used but only in conjunction with a face-to-face interview on the day of enrollment; and it should be performed by similarly qualified persons.

The operative definition of "primary language" under state law and the Home Language Survey and instructions adopted by the Superintendent indicate that the state authorities seek to elicit information that is virtually identical and certainly compatible with that sought by federal officials. The identification of a student's primary or home language has not been nor should it be a source of friction or dispute between federal and state authorities.

Language Assessment

Once having identified students whose primary language is other than English, school districts must then assess these students to determine which have limited-English language skills. State law mandates the use of an oral language proficiency test instrument. During the 1978-79 school year, the State Department of Education established a list of approved oral language assessment instruments.[32]

The Method of Assessment

The *Lau* guidelines do not specify the methods to be used in assessing the degree of linguistic function or ability of students having a home or primary language other than English. The nature of the definitions of the *Lau* language categories, however, strongly suggests that determining language dominance by assessing skills in English and in the primary language is mandated. The effect of the State Department of Education adopting an oral language proficiency assessment that tests for both English and primary language skills is to make it consistent with the *Lau* guidelines, which require a comparison of the student's primary language with his or her English language skills.

Language Proficiency Versus Language Dominance

The *Lau* guidelines appear to be internally inconsistent regarding the nature of the language assessment required. The guidelines state that school districts are required to "assess the degree of linguistic function or ability of the students"[33] and that program selection is to be dependent upon the "degree of linguistic proficiency of the students."[34] The five *Lau* language categories, with the possible exception of category "C,"[35] however, indicate that what is to be measured is not linguistic proficiency at all, but rather the frequency of language usage. The *Lau* categories do not describe the language ability of the students in terms of their ability to function or participate in an English-only classroom.[36]

The definitions of both limited-English-speaking (LES)[37] and non-English-speaking (NES)[38] students set forth in AB 1329, unlike the *Lau* categories, suggest that a language proficiency assessment is required. Importantly, the definitions of limited-English-speaking and non-English-speaking students relate the assessment of English language abilities to the ability to participate in an English-only classroom.

State definitions appropriately reflect a concern for language proficiency. In *Lau* v. *Nichols* the Supreme Court stated: "It seems obvious that the Chinese-speaking minority receive less benefits than the English-speaking majority from [the San Francisco] school system which denies them *a meaningful opportunity to participate in the education program* . . ."[39] (emphasis added). The May 25, 1970, HEW memorandum, upheld in *Lau*, stated: "Where inability to speak and understand the English language excludes national origin-minority group children from *effective participation in the education programs* offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students"[40] (emphasis added).

The Federal and California Language Categories

A difference between the guidelines and the state requirements is the number of language fluency categories. The *Lau* guidelines specify five categories: (1) monolingual other than English; (2) predominantly other than English, but some English; (3) bilingual; (4) predominantly English, but some other language; and (5) monolingual English. By contrast, the state has, in effect, three categories: (1) non-English-speaking students; (2) limited-English-speaking students; and (3) all other students.

Students who are identified under California law as either non-English speaking or limited-English speaking should include, at least, those who would be categorized as either "A" or "B" students under the *Lau* guidelines. *Lau* category "A" students are those who are monolingual in a language other than English. All of these students should be classified under the state definitions as non-English-speaking students.

Lau category "B" students are those who speak some, but not only, English. Some of these students should still be counted as non-English speakers within the state definition because they may still be unable to "communicate in English at a level which does not enable them to participate meaningfully in an educational setting where only English is used."

Some category "B" students may also be included within the state definition of limited-English-speaking students. A student speaking mostly a language other than English, but still some English (the *Lau* category "B" student) may not have developed sufficient English language skills to permit him or her to receive instruction in English at a "level

substantially equivalent to pupils whose primary language is English."

The state definition of limited-English-speaking students, with its emphasis on classroom participation, may well include individuals who under the *Lau* definitions would be considered category "C" or bilingual students. A category "C" student (one who speaks both English and the language other than English with equal ease) still might not possess "the clearly developed English language skills . . . necessary to receive instruction only in English at a level substantially equivalent to pupils whose primary language is English." Under the state definition, such students would be limited-English speaking and eligible for AB 1329 programs.[41]

To comply with the federal and state requirements, school districts need not use different instruments to assess the language ability of each student in accordance with both the federal and state categories. Using the state categories of limited-English speaking and non-English speaking alone should be sufficient. Nor should the different *Lau* and state language categories pose problems with federal reporting requirements. As long as a school district selects a valid, normed, and reliable instrument, there should be no need for duplicate testing.

Administration of the Language Assessment

Both the *Lau* guidelines and AB 1329 require that the person who is to make the language assessments "speak and understand the necessary languages."[42] State law allows the Superintendent of Public Instruction to waive this requirement where there are "small numbers" of students to be assessed and the school district certifies it is unable to comply with this requirement.[43] If the interpretation given by the Superintendent to the statutory language "small numbers" and the justifications accepted by the Superintendent for a district's inability to comply are both reasonable and protective of students' rights, conflicts with federal authorities need not arise. Care must be taken that waivers are not granted wholesale. Only cases of demonstrated extreme difficulty should be issued waivers.

The "Annual" Census

State law mandates an annual census of limited-English-speaking students, but federal requirements are silent on this point. State officials have interpreted the annual census requirements to mandate ongoing language assessment for those students who are new entrants, but not for those who have already been assessed. Such an approach would seem sound. Excessive testing of students should always be avoided when possible. There seems little purpose of continuously administering a language assessment instrument that is designed to determine entry into required programs.

The evaluation of the progress of limited-English-speaking students is mandated elsewhere and probably through other means. To insist on an annual census utilizing the same instruments each year might encourage school administrators to utilize that instrument as an exiting criterion for students placed in the prescribed programs, when such is not its purpose. Exiting mechanisms and student progress evaluation criteria are more complex than the eligibility criteria and deserve greater attention. The State Department of Education is currently engaged in developing exiting criteria.[44]

Program Options

In considering the matter of program options, it is instructive to recognize at the outset that under both federal and California law: (1) school districts may select from several available and approved program options; (2) the details, organization, and implementation of the program option selected are left in large measure to the discretion of school districts; (3) the scope and nature of the program options depend on the level of instruction and the number and distribution of limited-English-speaking students; (4) school districts are under a duty to offer one or more of the specified program options to entitled students, but these students are not required to participate in such programs and their parents may refuse to enroll their children in the programs; (5) the requirements respecting programs broaden, rather than narrow, the scope of programs offered to limited-English-speaking students; and (6) the concept of individualized instruction is reinforced, not restricted, by the program options.

The California Program Options

At the elementary level there are four programmatic options: (1) partial bilingual instruction (option "a"); (2) full bilingual instruction (option "b"); (3) bilingual bicultural education (option "c"); and (4) individual learning program (ILP).[45] The partial bilingual instruction, full bilingual instruction, or bilingual bicultural education option must be offered if the minimum concentration of limited-English-speaking and non-English-speaking students is present.[46] The individual learning program must be provided regardless of the number of limited-English-speaking students enrolled in the school.[47] This last option, the individual learning program, is the minimum requirement mandated for all California schools.

At the intermediate and secondary levels, grades seven through twelve, only the individual learning program need be given, although the other program options are certainly approved alternatives. Of these four program options, the individual learning program is the least specified:

> Any program of instruction for a limited-English-speaking pupil in which instruction is offered in a manner consistent with the United States Supreme Court decision in *Lau* v. *Nichols* (414 U.S. 563), the Equal Educational Opportunities Act of 1974 (20 U.S.C. Section 1701 et seq.), and federal regulations promulgated pursuant to such court decisions and federal statutes.[48]

The Individual Learning Program and the *Lau* Guidelines

An individual learning program, by definition, must be consistent with federal law. This does not mean that the individual learning program must be the same as that required by federal law. The *Lau* guidelines permit nonbilingual programs (English as a second language or high-intensity language training) at the secondary level, and, for some students, at the intermediate level. California school

districts, when they are required to offer only an individual learning program to these students, must still include some bilingual instruction, since, as noted below, each limited-English-speaking student is entitled to bilingual instruction. Still, this individual learning program would be consistent with federal law inasmuch as offering bilingual opportunities is not prohibited by federal requirements.

Elementary grade students, who are "only" entitled to an individual learning program because the minimum number of students is not present, should receive a bilingual program that satisfies the standards of the *Lau* guidelines (transitional bilingual education, bilingual bicultural education, or multilingual multicultural education). This is so because at the elementary level an individual learning program, in order to be consistent with federal requirements and the guidelines, must conform to the three programmatic options.

Regulations require districts that are operating an individual learning program to certify that the district is employing a sufficient number of bilingual teachers and aides, in order to give "limited-English-speaking pupils instructional opportunities in both English and their primary language."[49] This clearly suggests that an individual learning program should include some instruction in the primary language. This requirement would be consistent with the legislative findings accompanying the enactment of AB 1329: "It is the purpose of this chapter to require California school districts to offer bilingual learning opportunities *to each* limited-English-speaking pupil enrolled in public school, and to provide adequate supplemental financial support to achieve such purpose"[50] (emphasis added).

The *Lau* Guidelines Program Options

At the elementary school level, limited-English-speaking students (category "A" and "B" students) are to be offered one of three programmatic options: (1) transitional bilingual education; (2) bilingual bicultural education; or (3) multilingual multicultural education.[51]

At the intermediate level for students who speak exclusively a language other than English (category "A" students), the programmatic options available are the same as those at the elementary level. An English-as-a-second-language (ESL) program alone is rejected as inappropriate at the elementary level for category "A" and "B" students and at the intermediate level for category "A" students.[52]

Of course, this does not mean that ESL cannot be a part of bilingual programs at these levels. Quite the contrary, an essential component of all bilingual programs, whatever the model or variation, is a structured English language acquisition program such as ESL. Nor are school districts prohibited from offering only ESL to those students who are entitled to the other program options but elect not to participate in them.

For the intermediate level students who speak mostly, but not exclusively, a language other than English (category "B" students), the five programmatic options are the same as those permitted at the secondary level: (1) transitional bilingual education; (2) bilingual bicultural education; (3) multilingual cross-cultural education; (4) high-intensity language training (HILT); or (5) English as a second language (ESL).[53] The *Lau* guidelines do permit instruction that is not bilingual (ESL or HILT) at these levels and for these students.

The guidelines are not strictly speaking mandatory. Any school district may offer an alternative program to those outlined in the guidelines provided the program is shown to be equally effective at the time of the submission of the voluntary compliance plan.

Contrary to the suggestions of some, neither California law nor the *Lau* guidelines require maintenance bilingual education.[54]

The Number and Concentration of Students

The *Lau* guidelines are far more expansive than the California requirements regarding the minimum number of entitled students that must be present before a school district is required to have a bilingual program. Any school district with 20 or more students identified as having the same primary or home language, and which is in noncompliance with Title VI, must submit a voluntary compliance plan consistent with the guidelines and the program options outlined there.[55] The 20 students may be located in different schools and at the elementary, intermediate, or secondary levels. No matter how these students are distributed throughout the school district, if the sum total of these students is 20, the guidelines require the submission of a voluntary compliance plan where a violation is shown.[56]

By contrast, under California law, the focus is not on the district or the school, but rather on the grade. Only if there are 10 or more limited-English-speaking students or non-English-speaking students in the same grade (or the same age span in a multigraded situation) in the same elementary school, then partial, full, or bilingual bicultural instruction must be offered.[57] Otherwise, the individual learning program is acceptable.[58]

The California law requirements are much less restrictive than are the federal requirements. For example, under California law one elementary school might have 63 limited-English-speaking students of the same language background. However, the school district might be required to provide all of these students only an individual learning program if they were distributed evenly throughout the school—nine in each of the seven grades (kindergarten through grade six).

As reflected in the voluntary compliance plans it has accepted from school districts, the Office for Civil Rights would require exhaustion of a number of administrative actions by a school district before accepting the district's assertion that these are too few entitled students to viably organize full bilingual education programs. Grouping students who speak the same language from several different grades (within an educationally sound grade span), clustering such students attending neighboring schools, establishing magnet bilingual programs that draw dispersed students to a central location, or employing itinerant bilingual teachers within a school or between schools are approaches that should be explored by school districts with widely dispersed limited-English-speaking students.

Parental Notice and Options

The notice requirements under AB 1329 are targeted to parents of limited-English-speaking students.[59] The notice is intended to inform parents of their child's eligibility for participation in a bilingual program, the content and purposes of the program, an invitation to visit the program or to have a conference with school personnel concerning the program's objectives, an opportunity to participate in the district school committee on bilingual education, and the parent's right to withdraw the child from the program. The notice must be written in a language and manner that the parents can easily understand.

The *Lau* guidelines do not require that individual notice be given to parents in the manner and detail of that prescribed under California law; however, the guidelines do not prohibit such notification.

Assembly Bill 1329 has been characterized as providing the first legal basis for "mandatory" bilingual education programs in the state. To the extent that this law requires school districts to offer to entitled students bilingual instruction, the law is mandatory in nature. The obligation of the school districts to offer the required programs, however, should not be confused with the right of entitled students to elect not to participate in such programs. Parents of students entitled to participate in either partial, full, or bilingual bicultural programs have the right to withdraw their children from these programs.[60] In other words, participation for entitled students is not compelled.

Withdrawal can take place either before or after enrollment. However, to ensure continuity of education and to minimize the disruption of the administration of the schools, withdrawal after enrollment is only permitted at the close of each semester. Furthermore, parents must inform school authorities in writing of their decision to withdraw their child.[61]

In providing for these notice requirements when the *Lau* guidelines do not (at least expressly), California law should not be viewed as unnecessarily burdening school districts. To the contrary, not only are the rights of parents protected in this way, but, ultimately, the program options available to children are broadened by permitting their withdrawal on an informed basis.

In some respects the notice requirements of the guidelines are more demanding than California law. The guidelines state that *all* notices advising parents generally of school activities must be given to the parents of limited-English-speaking students in a language they understand. Also, all parents in the school district are required to be informed of the content of the programs offered to limited-English-speaking students and that such programs are an integral part of the total school program.[62] This latter requirement of general notice takes on particular significance since bilingual programs often are misperceived as remedial, the participating students as handicapped, and bilingual staff as less than fully qualified. Comparable notice requirements are not mandated by California law.

Appropriate to the more direct role which states play in teacher credentialing and certification, AB 1329 is more specific than the *Lau* guidelines both as to teacher qualifications and to the exceptions to qualification requirements. Assembly Bill 1329 requires fluency in the primary language, cultural familiarity, and "a professional working knowledge of the methodologies which must be employed to effectively educate those pupils."[63] The *Lau* guidelines state that a teacher must be "qualified" and "linguistically/culturally familiar" with the background of the students affected.[64]

Instructional Personnel

Assembly Bill 1329 states that teachers who are not bilingual and cross-cultural cannot teach in the partial, full, or bilingual bicultural program.[65] Bilingual cross-cultural teachers are persons who hold valid, regular California teaching credentials and either (1) a bilingual cross-cultural certificate of proficiency; (2) a bilingual cross-cultural specialist credential; or (3) another credential in bilingual cross-cultural education authorized by the Commission for Teacher Preparation and Licensing.[66] There is no reason to presume that the *Lau* guidelines conflict with these requirements. Only if credentialing procedures would prove to be a sham or the tests of fluency and cultural familiarity were not valid would HEW have reason to object.

Assembly Bill 1329 focuses on the classroom in detailing the qualifications of the teachers and aides, whereas the *Lau* guidelines focus beyond the classroom. The term *instructional personnel* is defined in the guidelines as including volunteers—such as paraprofessionals, parents, community volunteers, and youth tutors—whose participation in a school district often takes place outside the classroom.[67] The *Lau* guidelines also state: "The district must see that all of its students are encouraged to fully participate and take advantage of all educational benefits." From this a broad scope of concern should be inferred.[68]

Waivers and Layoffs

Both AB 1329 and the *Lau* guidelines recognize that some districts may be unable to immediately meet their bilingual teacher needs as to all entitled students in all languages. Both contemplate temporary exceptions to the use of qualified bilingual bicultural teachers.

Where there is a shortage of bilingual bicultural teachers, the guidelines require a plan for securing the number of qualified teachers necessary to fully implement the instructional program.[69] This plan must include timelines and address the steps to be taken to upgrade paraprofessionals and to provide in-service training. Alternatives to the use of bilingual bicultural teachers are to be temporary only. Considering that the *Lau* guidelines were first announced in the summer of 1975, school districts still claiming shortage of qualified needed bilingual bicultural teachers will have to document their efforts over the preceding four years.

Congress, in enacting the Equal Educational Opportunities Act of 1974, recognized how important staffing is in any effort to satisfy the federal rights of limited-English speakers. Although the Act contains a general ban against discrimination in hiring or assigning teachers, it excepted from this prohibition staffing to fulfill the mandate to over-

come the language barriers (20 U.S.C. Section 1703[d]). The federal and state requirements that instructional personnel be bilingual and bicultural, however, should not be misconstrued to require that only teachers of the same ethnic background as the students they teach be employed. Such a policy or practice might well offend the constitutional rights of those teachers of other ethnic/racial backgrounds, otherwise qualified, to be free from unlawful discriminatory hiring practices.[70]

In every California school district required to offer bilingual programs, the district superintendent must certify to the State Board of Education that sufficient bilingual cross-cultural personnel are available to meet the educational needs of limited and non-English-speaking students in the district. In May, 1977, only 451 teachers had bilingual credentials or were soon to receive them.[71] Anticipating a temporary shortage of fully credentialed bilingual personnel, AB 1329 as originally enacted authorized the State Department of Education to grant waivers on bilingual teaching positions up until September 1, 1979. Before a waiver could be granted, however, specified assurances had to be given by affected school districts.[72] As the original deadline for waivers neared, it was extended one year.[73]

Far from compelling the laying off of monolingual teachers, AB 1329 encourages the retraining of teachers on the staff. As the waiver deadline has been extended, so has the opportunity for retraining. The fear that a sudden, massive influx of qualified bilingual teachers would cause the replacement of monolingual teachers simply has not materialized.

However, the issue of bilingual teacher layoffs caused by a declining enrollment, cutback of programs, or budget remains a very real concern, especially so in light of the impact of Proposition 13 on school budgets. If school districts were permitted on the one hand to seek extended grace periods from the bilingual teacher hiring requirements of AB 1329 by claiming that needed bilingual teachers are unavailable, and on the other hand to terminate bilingual teachers simply because they lack seniority, the rights of limited-English-speaking children will never be realized nor their educational needs met.

This issue was first raised in 1976 during the debate over AB 1329. An opinion from the Legislative Counsel of California to Assemblyman Peter Chacon, a co-author of AB 1329, stated:

> The governing board of a school district which intends to terminate the employment of a certain number of probationary and permanent certificated employees pursuant to Section 44955 of the Education Code, because of an enrollment decrease or a reduction or discontinuance of a particular kind of service, would not be required to terminate a bilingual teacher with the least seniority prior to other certificated employees, if the termination of employment of such teacher would preclude the conducting of bilingual education classes which the board is desirous of continuing, where no other employee of the district is qualified to conduct such classes.[74]

Two opinions by the California Attorney General echoed and reinforced the earlier expressed view of the Legislative Counsel.[75]

Following the passage of Proposition 13, the Director of the Office for Civil Rights wrote to the State Superintendent of Public Instruction expressing concern that contemplated budget cuts might disproportionately disadvantage children receiving benefits under bilingual programs through reductions in bilingual teaching staff. The Superintendent reaffirmed the position that "junior credentialed bilingual bicultural teachers may be retained over senior teachers with credentials."[76]

Racial and Ethnic Identifiability[77]

Limited-English-speaking students assigned to a mainstream program of instruction are less likely to find themselves separated from members of other ethnic groups than if they were assigned to bilingual classes. The ethnic diversity offered in the mainstream classroom can serve certain educational needs of the non- or limited-English-speaking students. Unfortunately, such students assigned to the mainstream classroom while integrated with students from other ethnic groups may likely be deprived of the opportunity to receive a meaningful education. These competing interests are balanced under different approaches in the *Lau* guidelines and AB 1329.

The Approach Under the *Lau* Guidelines

The Department of Health, Education, and Welfare's Title VI regulations, [78] the HEW May 25, 1970, memorandum,[79] and the Equal Educational Opportunities Act of 1974[80] clearly bar segregation and separate treatment; but they do not preclude bilingual programs in schools that are predominantly attended by minorities. The *Lau* guidelines interdict the creation and, arguably, the perpetuation of ethnically identifiable schools in order to meet the special language needs of children of national-origin minority groups.[81] But, they do not prohibit maintaining existing bilingual programs in ethnically identifiable schools that have not been created or maintained through unlawful practices.

Classes within schools are discussed in the *Lau* guidelines. They state that bilingual programs "do not justify the existence of racially/ethnically isolated or identifiable classes per se."[82] This requirement should not be read as precluding classes solely composed of students from one language minority group. What is barred are programs that fail to rectify English-language deficiencies and instead separate and exclude individuals without a valid justification. This purpose is effectuated by incorporating existing Emergency School Aid Act (ESAA) and Title VI regulations into the *Lau* guidelines.[83] Under the applicable ESAA regulations,[84] schools which assign students to or within classes in a manner resulting "in the separation of minority group from nonminority group children for a substantial portion of the schoolday" are ineligible for ESAA funding.[85] These regulations interpret "substantial" separation as separation "for more than 25 percent of the schoolday classroom periods."[86] Thus, where the separation lasts for more than 25 percent of the day, the presumption is raised that classroom or tracking assignments are impermissibly based on race, color, or national origin.[87]

Bona fide ability groupings are exempted from this presumption and prohibition.[88] Bona fide bilingual programs

that separate minority from nonminority students for more than 25 percent of the schoolday should have no difficulty satisfying these ESAA requirements. There is one caveat, however: the regulations provide that the device used to group minority children must "not essentially measure English language skills."[89] This provision was intended to avoid the use of English language skills as a negative criterion. This single provision cannot reasonably be read to rule out bilingual classes as bona fide ability groupings. The identification of students who need bilingual education obviously requires the measurement of English-language skills.[90]

The *Lau* guidelines strike a balance between the competing objectives of effective educational opportunity and classroom diversity by borrowing a procedure first advanced in the ESAA regulations. For those courses into which students are grouped for valid educational reasons, the resultant and incidental isolation does not violate the law. Bilingual programs do and can occur without much isolation. For those courses or periods of the day where no such justification exists (e.g., gym, music, art, recess, lunch) continued ethnic isolation of bilingual program children may violate the *Lau* guidelines, the Civil Rights Act of 1964, and the Equal Educational Opportunities Act of 1974.[91] For example, a school district that sends all of the children in a bilingual program to the same music or art class at the same time and assigns no mainstream classroom children to the same gym class will receive no protection from an alleged violation of Title VI under a rationale of educational justification.[92]

The Approach Under AB 1329

In promulgating AB 1329, California chose another approach to reducing the harm of ethnic isolation. Assembly Bill 1329, rather than focusing on what happens outside the bilingual classroom, focuses on the bilingual class itself. This bill provides the following:

> In classes established pursuant to Section 52165 [AB 1329], not more than two-thirds of the pupils enrolled shall be limited-English-speaking pupils; provided, that where the proportion of limited-English-speaking pupils in the school exceeds two-thirds, the proportion of limited-English-speaking pupils in such classes may exceed the proportion of limited-English-speaking pupils in the school by no more than 10 percent. In no event shall the primary purpose of the program be to teach a foreign language to English-speaking pupils.[93]

The approach has both advantages and disadvantages over the *Lau* guidelines. Some of the disadvantages are as follows:

1. By focusing on integrating fluent-English-speaking students with limited-English-speaking students, this provision only indirectly addresses the concern of ethnic isolation. This is so because English language abilities are not immutable characteristics or within the exclusive province of any one racial or ethnic group. A class with an equal number of fluent-English speakers and limited-English speakers may still be exclusively composed of nonwhite minority individuals.
2. Reserving one-third of the seats of each bilingual classroom for fluent-English speakers may result in limiting access of limited-English speakers to the services of a bilingual program. This is especially possible where a shortage of bilingual teachers limits the number of bilingual classes and not all students in need of bilingual programs are offered them. To honor the two-third/one-third mandate, some limited-English students may be excluded. Where there is a shortage of bilingual teachers, the state's approach may cause school districts to breach the federal obligations to limited-English students. At such time when sufficient numbers of teachers are available to serve all limited-English speakers, this conflict would no longer exist.

The advantages of the AB 1329 approach are as follows:

1. The likelihood of suffering the harmful consequences of ethnic isolation is reduced.
2. The limited-English speaker is much more likely to be exposed to fluent English conversation. This is also consistent with the objectives of Title VII of the Elementary and Secondary Education Act.[94]
3. To the extent that the state's approach results in ethnic/racial integration, the concern of some that bilingual education will lead to divisions within communities along rigid ethnic/racial lines is blunted.
4. Bilingual education should benefit all ethnic groups and persons participating in it, not just limited-English-speaking individuals. Bilingual programs ideally should not be strictly compensatory for some, but rather educationally and culturally enriching for all. Thus, the more expansive goals of bilingual education are likely to be met through AB 1329.

Regardless of which approach to the problem of ethnic isolation one prefers, nothing in the *Lau* guidelines prohibits placing fluent-English-speaking students in bilingual classes. However, it should be recalled that ethnically identifiable classes are presumed to be unlawfully segregated unless the students are grouped for a bona fide educational purpose. School districts will be hard pressed to demonstrate there is a bona fide educational justification, as defined by the ESAA regulations, for assigning fluent-English-speaking students to a bilingual class where the result is a class that is ethnically identifiable.

The ethnic composition of the fluent-English-speaking portion of the bilingual class should generally reflect the ethnic composition of these students in the school as a whole. Initially, the easiest way administratively feasible to meet this objective might be to select fluent-English-speaking students for participation in bilingual classes through a random selection. However, this approach may not prove practical in a district which anticipates that a large number of selected students would be withdrawn from the program, under the parent withdrawal option, assuming that the withdrawal option would be available to these parents. In such a district a more feasible alternative, and that probably contemplated by the authors of AB 1329, might be to seek volunteers for the bilingual program from among the school's fluent-English population.

School districts which elect this approach will have to be scrupulous in ensuring that the procedures for selecting

volunteers do not have the logical and foreseeable consequence of resulting only in nonwhite volunteers or volunteers whose ethnic/racial composition does not reflect the fluent-English-speaking population of the school as a whole. The school district must be prepared, through proper documentation, to demonstrate that it exerted its best efforts to obtain volunteers who reflect the school's ethnic/racial composition. Even then there is no assurance that such ethnically identifiable bilingual classes will survive constitutional prohibitions against purposeful and intentional school segregation.[95] It must be borne in mind, however, that bilingual programs and school desegregation are not, and need not be mutually exclusive goals.[96]

Summary

The obligations of California school districts to address the educational needs of their language minority students are derived from both federal and state laws. The legal sources of a school district's federal obligations to limited-English-speaking students are derived from federal civil rights and funding statutes, implementing regulations, guidelines, and court decisions. The California mandate to serve limited-English-speaking students emanates primarily from the Chacon-Moscone-sponsored Bilingual Bicultural Education Act of 1976 (AB 1329), regulations, and administrative interpretation. Assembly Bill 1329 continues as the basic framework for providing bilingual education programs for limited-English-speaking students enrolled in California public schools. In most respects the legal mandates are virtually the same; and where they are different, they are easily harmonized.

Compliance with state law usually fulfills federal obligations, and adherence to state law will be satisfactory. If applicable federal law goes beyond the requirements of state law, the federal law should be followed. The requirement, federal or state, which is most productive of children's educational rights—and hence less compromising—must be followed.

Both federal and state laws require as an initial step the identification of students with a primary or home language other than English. The operative definition of "primary language" under state law, coupled with the Home Language Survey and instructions adopted by the Superintendent of Public Instruction, indicate that state authorities seek the same information as that sought by federal officials. Programmatic differences between the federal and state laws are more surface than actual. Under both federal and California laws: (1) school districts are not required to offer only one program, but may choose to offer several available and approved program options; (2) the details, organization, and implementation of the program option selected is left in large measure to the discretion of school districts; (3) the scope and nature of the program options depend on the level of instruction, and the number and distribution of limited-English-speaking students; (4) school districts are under a duty to offer one or more of the specified program options to entitled students, but these same students are not required to participate in the programs; (5) the requirements respecting programs result in a broadening, rather than a narrowing of the variety of programs offered limited-English-speaking students; and (6) the concept of individualized instruction is reinforced, not restricted, by the program options.

Adhering to federal and state requirements regarding the language assessment procedures to be used should pose few problems. Since the state's three English language fluency categories—non-English speakers (NES), limited-English speakers (LES), and fluent-English speakers (FES)—overlap with the five *Lau* guideline categories, meeting the state requirements should satisfy federal obligations. The state language fluency definitions of limited-English-speaking students and non-English-speaking students appear to more accurately reflect the concern for English language proficiency and the views expressed by the Supreme Court in *Lau* v. *Nichols*, than the *Lau* guideline definitions which seem to stress frequency of usage or language dominance.

Provided that the California school districts use a valid, reliable instrument—and the State Department of Education has provisionally approved four such instruments—there should be no conflict with federal requirements nor should there be duplicate testing. Moreover, both state and federal laws are consistent in ordering that the language assessment instruments be administered by persons who speak and understand the necessary languages. The state law requiring an annual census is consistent with the federal law which also requires an accurate and individual determination of all potential *Lau* children.

While the *Lau* guidelines do not strictly specify or require a particular program, school officials must demonstrate that any alternative educational approach is equally effective to those outlined. State program options providing for "partial bilingual instruction," "full bilingual instruction," or "bilingual bicultural education" clearly can be implemented in a manner consistent with the *Lau* guidelines. The "individual learning program" option is the least well specified. It must include some opportunity for bilingual learning opportunities although perhaps not as comprehensive as that acquired by the other program options. The individual learning program goes beyond the federal requirements. Thus, bilingual education can be—and often is—offered at the high school level under state law, while the *Lau* guidelines permit other approaches. But, since by definition this program must be consistent with federal requirements, school districts may not provide a less effective alternative to the *Lau* guidelines. When language minority students are few and widely dispersed within a school or throughout a school district or where "pocket language" children are involved, comprehensive bilingual programs may not be administratively feasible. However, the threshold numbers that trigger the federal obligations are far smaller than the state law provides.

Federal and state requirements regarding notice to parents and the right of parents to withdraw their children from bilingual programs are wholly compatible. State law requires that notice be given in writing and in a language that the parents can understand. Federal law expands giving of such notice to all school activities of which parents

generally are informed. Regarding the right to withdraw, the federal law is silent, but the state law grants such a right to all parents of students entitled to participate in bilingual programs, except those students who are enrolled in individual learning programs. The parents of these students may request that their children not receive instruction in a language other than English.

The same federal laws that provide the underpinning for bilingual program also bar segregation and separate treatment. The *Lau* guidelines do not prevent establishing bilingual programs in schools that are ethnically identifiable. Nor do federal regulations prevent the grouping of language minority students for bilingual instructional purposes provided this grouping meets the bona fide grouping standards. Bilingual education programs can and do occur without much isolation. However, if language minority students are isolated unnecessarily from their English-dominant peers in such subjects as art, music, and physical education, federal law may be violated. Similarly, in schools that are not racially identifiable, language minority students must not be ethnically or racially isolated from nonminority students. State law, by focusing on integrating fluent-English-speaking students with limited-English-speaking students, does not directly address this concern with ethnic isolation; and this may result in limited access of limited-English speakers to necessary bilingual services when the number of bilingual instructional personnel is limited.

Both federal and state laws require essentially the same qualifications for instructional personnel: fluency in the necessary languages and familiarity with the culture of students. The *Lau* guidelines do not conflict with the state credentialing requirements. School districts must move rapidly in obtaining the necessary staff if the rights of language minority students are not to be thwarted. Various methods may be used to attract the necessary teachers. Even the layoff of senior teachers who lack the necessary competency is permitted by state law, although this is unlikely to occur. State and federal laws recognize that the unavailability of necessary qualified personnel may present problems. However, both the state waivers permitting the use of uncredentialed bilingual bicultural personnel and the *Lau* guidelines contemplate exceptions that are temporary only.

Hopefully, most school districts will not need to be prodded to comply with the federal and state laws concerning language minority students. Compliance should be swift and voluntary, undertaken in good faith and with a view to installing quality programs in the classrooms, not simply paper compliance with legal obligations. Seventy-six California school districts, including Los Angeles Unified School District, already have submitted voluntary compliance plans to the Office for Civil Rights; all of these plans have been accepted. Delinquent school districts must not be permitted, however, to flaunt the law. Much will depend on the vigilance of state authorities. The state laws must be enforced with vigor, and there should not be laxity in the issuing of the various waiver or exception provisions in the state law. An ability to monitor compliance must be developed.

Federal and state officials will not have the luxury of unlimited implementation time. Waiting in the wings, if enforcement is lagging, will most certainly be the parents and the students who are the intended beneficiaries of the federal and state requirements. They are anxiously awaiting the fulfillment of their educational rights, for education delayed is education denied.

Footnotes

[1]347 U.S. 483 (1964).

[2]Barry MacDonald and Rob Walker, *Changing the Curriculum*. London: Open Books, 1976.

[3]20 U.S.C., Section 1241 et seq. (1970).

[4]20 U.S.C., sections 236 through 244.

[5]Title VI of the Civil Rights Act of 1964, 42 U.S.C., Section 2000d (1970). ("No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.")

[6]The Civil Rights Act of 1964, 20 U.S.C., Section 2000d (see footnote 4); the Equal Educational Opportunity Act of 1974, 20 U.S.C., Section 1703 et seq. ("No State shall deny equal educational opportunity to an individual on account of his or her race, color, sex, or national origin, by . . . (f) the failure by an educational agency to overcome language barriers that impede equal participation by its students in its instructional programs.")

[7]The Bilingual Education Acts of 1968, 1974, and 1978, 20 U.S.C., Section 880(b) et seq.; the Emergency School Aid Act (ESAA), 20 U.S.C., Section 1605 et seq.

[8]Title VI regulations, 45 C.F.R., Section 80.3(b)(1)(ii)(iv) (Recipients of federal aid conducting any federally financed program may not "(ii) Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the programs; . . . (iv) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program."); 45 C.F.R., Section 80.3(b)(2) (Discrimination is barred which has the effect even though no purposeful design is present: "a recipient may not . . . utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination or have 'the effect of defeating or substantially impairing accomplishment of the objectives of the program as respect individuals of a particular race, color, or national origin.'"); 45 C.F.R. Section 80.5(b) (Discrimination among students on account of race or national origin that is prohibited includes "discrimination . . . in the availability or use of any academic . . . or other facilities of the grantee or other recipient.") and ESAA regulations, specifically 45 C.F.R., sections 105.11(a)(2); 185.43(c); 185.51, et seq.

[9]Title VI guidelines, 33 Fed. Reg. 4456 (1968) (federally assisted "school systems are responsible for assuring that students of a particular race, color, or national origin are not denied the opportunity to obtain the education generally obtained by other students in the system"; 35 Fed. Reg. 11395 (1970) ("Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students. . . . Any ability grouping or tracking system employed by the school system to deal with

the special language skill needs of national origin-minority group children must be designed to meet such language skill needs as soon as possible and must not operate as an educational dead-end or permanent track"; memorandum on "Task Force Findings Specifying Remedies Available for Eliminating Past Educational Practices Ruled Unlawful Under *Lau*" ([the *Lau* guidelines]).

[10]See Herbert Teitelbaum and Richard J. Hiller, "Bilingual Education: The Legal Mandate," *Harvard Educational Review*, Vol. 47 (May, 1977), pp. 138—70, for a discussion of *Lau* v. *Nichols*, 414 U.S. 563 (1974). Since *Lau*, three decisions have resulted in court-mandated bilingual programs—*Serna* v. *Portales Municipal Schools*, 351 F. Supp. 1279 (N.D. Mex., 1972), affirmed, 499 F.2d 1147 (Ninth Circuit, 1974); *Cintron* v. *Brentwood Union Free School District*, infra and *Rios* v. *Read*, infra. In two other cases, particularly significant because they involved large and influential school districts (New York and San Francisco) consent decrees requiring bilingual programs were approved by the federal courts. *Aspira of New York, Inc.* v. *Board of Education of the City of New York*, 72 Civ. 4002 (S.D.N.Y., August 29, 1974) (unreported consent decree); 58 F.R.D. 62 (S.D.N.Y., 1973); *Lau* v. *Nichols* (unreported). Two other cases raised issues of bilingual education in Native American schools. Both ended in consent decrees requiring bilingual programs, but neither case exclusively concerned bilingual education. *Sinajini* v. *San Juan School District*, Civil No. 75-346 (D. Utah, 1975); *Denetclarence* v. *Board of Education of Independent School District No. 22*, N. 8872 (D.N.M., February 15, 1974). Additionally, bilingual education has been ordered by federal courts in a number of desegregation cases (Teitelbaum and Hiller, "Bilingual Education: The Legal Mandate," supra at pp. 163—68). In *Otero* v. *Mesa County Valley School District No. 51*, 408 F. Supp. 162, 171 (D. Colo., 1975), the court rejected the claims for bilingual education programs, but did so only after first finding that few if any Chicano students had "real language deficiency." Recently, the court in *Guadalupe Organization, Inc.* v. *Tempe Elementary School District No. 3*, 587 F.2d. 1022 (Ninth Circuit, 1978) determined that the bilingual bicultural program sought by the Chicano and Yaqui Indian students was not required by either the equal protection clause of the Constitution, Title VI of the Civil Rights Act of 1964, or the Equal Educational Opportunities Act of 1974. Significantly, however, the sweeping program sought could fairly be characterized as a maintenance program (kindergarten through grade twelve), with wide-ranging cultural content which could only be provided by racially specific instructors for each child. Inexplicably, the plaintiffs conceded the effectiveness of the school district's ESL program, presenting no evidence to the contrary. The court was not asked to decide whether native language instruction alone was legally required. Where the court said "bilingual instruction was not required," it can fairly be construed that the court had in mind the sweeping program sought by the plaintiffs. Finally, the court did not pass on the *Lau* guidelines. Apparently, neither party ever brought the guidelines to the court's attention for its consideration.

[11]414 U.S. 563, 569 (1974).

[12]Id. at 566.

[13]Id. at 568.

[14]Id. at 571 (Stewart, J., concurring).

[15]Id. at 554-65. It is wholly consistent with Supreme Court doctrine that no specific remedy was ordered in *Lau*. Remedies are almost always left to the trial court. See *Swann* v. *Charlotte Mecklenburg Board of Education*, 402 U.S. 1, 28 (1971); *Brown* v. *Board of Education*, 349 U.S. 294, 298, 300 (1955) (Brown II).

[16]*Cintron* v. *Brentwood Union Free School District*, No. 77 Civ. 1370 (E.D.N.Y., January, 1978) at 13, 17.

[17]*Rios* v. *Read*, 75 Civ. 296 (E.D.N.Y., October 13, 1978) where the court stated: "The guidelines do nothing more than supply the mechanism for testing compliance with Title VI as administered pursuant to its regulations, 45 C.F.R., Section 80.3(b)(i)(ii)(iv). The use of the guidelines is not restricted to administrative procedures." Of course, the decision of a federal district court in New York is not controlling upon federal courts elsewhere, including California. But, these decisions are the only pronouncements on the *Lau* guidelines by the federal judiciary and should not be lightly cast aside. Significantly, the court rendering these decisions considered, among others, the testimony of an attorney on the staff of the general counsel to the Office for Civil Rights; Malcolm Danoff, director of the AIR Report on Title VII programs; Noel Epstein, the author of "Language, Ethnicity, and the Schools"; Courtney Cazden, Dean of Harvard Graduate School of Education; and Patricia Nakano, a former *Lau* Center director. No appeal from these court rulings has been taken by the offending school districts.

[18]Formerly, in the context of school desegregation cases, courts relied heavily on analogous HEW standards in formulating relief. The Department of Health, Education, and Welfare's Office of Education first issued desegregation guidelines in April, 1965. The courts consistently attached great weight to these guidelines. In 1966 and again in 1968, HEW issued revised guidelines relating to school desegregation, and again courts accorded them "serious judicial deference, respectful consideration, and great weight," albeit refusing to abdicate their constitutional responsibility to HEW entirely. *United States* v. *Jefferson County Board of Education*, 372 F.2d 836 (Fifth Circuit Court, 1967), cert. denied sub nom. *United States* v. *Caddo Parish Board of Education*, 389 U.S. 840 (1967); *Kemp* v. *Beasley*, 389 F.2d 178, 185 (Eighth Circuit Court, 1978); *Whittenberg* v. *Greenville County School District*, 298 F.Supp. 784 (S.D.C., 1969).

[19]Memorandum for chief state school officers accompanying the *Lau* guidelines: "Conceivably, other methods of achieving the goals set by the '*Lau* remedies' may exist, but the Office for Civil Rights will accept an alternative approach only if there is a reasonable basis to believe that it is at least as effective as the guidance set forth in the *Lau* remedies" (letter from Lloyd R. Henderson, Director, Elementary and Secondary Education Division, Office for Civil Rights, to Rosa Castro Feinberg, *Lau* General Assistance Center B, School of Education, University of Miami, March 15, 1978).

[20]The California Legislature first directed school districts to address the needs of non-English-speaking children in 1972, when AB 2284 (Chapter 1258/72) required that "each non-English-speaking child shall receive special assistance from the school district where he (or she) attends" (Education Code Section 52104). The precise nature of the special assistance was not specified. Subsequently, in 1975, the State Board adopted a policy regarding bilingual children, stating in part: "To comply with the *Lau* v. *Nichols* Supreme Court decision, schools should make provisions for instruction in a language understandable to each limited-English-speaking student until such student can adequately understand instruction in English. Therefore, each limited-English-speaking student in the public schools should have, in addition to or in combination with other educational opportunities, educational services which: (a) are taught in a language understandable to the student; (b) build upon the student's primary language; and (c) teach the student English." Davis Campbell and Ramiro Reyes, *Education for Limited-English-Speaking and Non-English-Speaking Students*. Sacramento: State Department of Education, 1976, p. 4.

[21]California Administrative Code, Title 5, sections 4300 through 4320.

[22]Interpretive letters of instruction generally issue from deputy superintendents of public instruction, under the authority of the Superintendent. The Superintendent, as the chief administrative officer of the State Department of Education, has discretion to issue such instructions and take action in accordance with his powers. Letters of instruction are intended to clarify issues of implementation application for funding, or reporting requirements, and therefore, assist in implementing the requirements of state laws and regulations. Responses to inquiries from the Legislature or school districts constitute interpretatios of law and regulations by Department officials. Such interpretations should be followed; they generally will not be overturned, unless they are not reasonably related to the purpose and intent of applicable laws and regulations.

[23]For a comprehensive analysis of the requirements pursuant to AB 1329, see the *Bilingual Education Services Guide*, California State Department of Education, 1978.

[24]AB 769 (Chapter 1224/77) amended the teacher waiver provision of AB 1329 as did AB 3474 (Chapter 990/78) and AB 3463 (Chapter 1073/78); AB 3470 (Chapter 848/78) amended the census provision of AB 1329; and AB 769 amended the provision regarding the monitoring of academic achievement.

[25]Education Code Section 52162. Limited-English-speaking students

are to be classified within each school district in accordance with their primary language, age, and grade level. This information is now reported in the consolidated enrollment reporting forms that all school districts are required to submit to the State Department of Education by April 30 of each year.

[26]Id.

[27]Education Code Section 52163(g). Primary language is defined in the law as "the language the pupil first learns or the language which is spoken in the pupil's home."

[28]Education Code Section 52164(b).

[29]The State Department of Education, at its own expense, has translated the Home Language Survey into seven principal languages other than English: Spanish, Cantonese, Pilipino, Vietnamese, Portuguese, Korean, and Japanese. Assistance in translation into other languages is also provided on request.

[30]The Office for Civil Rights generally adopts the position that the information needed to determine the student's primary or home language may be obtained from either the parent or the student, except where the student is so young that there is a question whether the student can meaningfully and accurately report the necessary information.

[31]Questions "1" and "2" in the Home Language Survey correspond to criteria "A" and "B" in the *Lau* guidelines, and questions "3" and "4" in the survey correspond to criterion "C" in the guidelines.

[32]The instruments provisionally approved are: (1) *Language Assessment Scales (LAS);* (2) *Bilingual Syntax Measure (BSM);* (3) *Language Assessment Battery (LAB);* and (4) *Basic Inventory of Natural Language (BINL).*

[33]Part I of the *Lau* guidelines.

[34]Part III of the *Lau* guidelines.

[35]The definition of category "C" students, by including the notion of "equal ease," suggests more than frequency of usage may be involved.

[36]A language dominance test may either be designed to assess the frequency of language usage or the proficiency with which the language is used. A language dominance test should examine the individual child's ability to use the language.

[37]Education Code Section 52163(d) states that limited-English-speaking pupils are those "who do not have the clearly developed English language skills of comprehension, speaking, reading, and writing, necessary to receive instruction only in English at a level substantially equivalent to pupils whose primary language is English. . . . The term *limited-English-speaking pupils* includes *non-English-speaking pupils.*"

[38]Education Code Section 52163(c) states that non-English-speaking pupils are pupils "who communicate in their primary language only or who communicate in English at a level which does not enable them to participate meaningfully in an educational setting where only English is used."

[39]Supra, at 568.

[40]May 25, 1970, Department of Health, Education, and Welfare Memorandum (35 Federal Register 11595).

[41]The overlapping of categories might be illustrated as follows:

Lau Category	AB 1329 Category
A	NES
B	NES; some LES
C	Some LES; some FES
D	Fluent English speaking (FES) but educationally disadvantaged student
E	FES and not educationally disadvantaged

[42]*Lau* guidelines (Section I) and Education Code Section 52164(b).

[43]Education Code Section 52164(b).

[44]A pilot study of assumptions related to bilingual program exit criteria prepared by the Office of Program Evaluation and Research of the California State Department of Education states: "The need to develop a standard procedure for determining the point at which bilingual education participants may be judged to have obtained sufficiently developed English language skills to compete with their monolingual English-speaking peers . . . is warranted in light of . . . AB 1329, Title VII rules and regulations, and the *Lau* guidelines. AB 1329 (1976) specifies that each school district shall . . . report the total number of pupils whose primary language is other than English who have benefited from instruction . . . to the extent that they are no longer limited-English-speaking pupils . . . [Section 52164(b)]." The *Lau* guidelines call for use of diagnostic prescriptive measures: ". . . to bring the linguistically/culturally different student(s) to the educational performance level that is expected by the local education agency (LEA) and state of nonminority students." Recently, the federal court in *Cintron* v. *Brentwood Union Free School District*, supra, recognized the need for development of an "exit" procedure. The court ordered the school district to adopt: ". . . a method for transferring students out of the bilingual program when the necessary level of English proficiency is reached."

[45]Education Code sections 52163(a)—(c), (f), and 52171. It is not altogether clear what meaningful differences, if any, exist between the state options. Possible distinctions could be drawn between what is meant by a program that develops "basic language skills in both languages" (option "b") as opposed to "a system of instruction which uses two languages" (option "c"); or between instruction in "required subjects (option "b") as compared to "selected subjects" (option "c"); or the absence of express time requirements for instruction in the English language (option "b") as opposed to "daily instruction in the English language" (option "c"). Even sharper differences could be drawn when full bilingual or bilingual bicultural instruction is compared to partial bilingual instruction (option "a"). But a "partial bilingual instruction" program which only promotes biliteracy without the concomitant development of content areas knowledge in the primary language would be seriously deficient. The fact that basic language skills such as "listening, speaking, reading, and writing" [Education Code Section 52163(a)] are developed in both languages does not correct this deficiency. An education program that requires limited-English-speaking students to sit in subject area classes without understanding what is occurring is the kind of wholly meaningless educational experience rejected in *Lau* v. *Nichols*, supra at 566. Happily, the State Department of Education has consistently interpreted options "a," "b," and "c"—partial bilingual, full bilingual, and bilingual bicultural instruction—in a manner that minimizes these differences, reading the minimum requirements for each option to be essentially the same.

[46]See p110 for a discussion of numbers and concentration of students.

[47]Before July 1, 1979, bilingual programs were offered on the basis of receipt of specified levels of categorical funding. After July 1, 1979, on the basis of regulations implementing economic impact aid, receipt of or eligibility for categorical funds is not a requisite for the provision of bilingual programs (California Administrative Code Section 4200 et seq.).

[48]Education Code Section 52163.

[49]Education Code Section 52163 and California Administrative Code, Title 5, Section 4314.

[50]Education Code Section 52161.

[51]The three permissible options at the elementary school level set forth in the *Lau* guidelines—transitional bilingual education, bilingual bicultural education, and multilingual multicultural education—all call for a native language instruction, native language skills development, and an English language acquisition program (Part IX of the *Lau* guidelines).

[52]Because an ESL program does not consider the affective nor cognitive development of students in this category and time and maturation variables are different here than for students at the secondary level, an ESL program is not appropriate. Pertinent to this issue of English-only programs for limited-English-speaking students is the opinion of the federal district court in *Rios* v. *Read*, supra at 24-25: "Plaintiffs' charge that they are being denied equal educational opportunity is not sufficiently answered by defendants' efforts to show that their program will eventually attain some desirable results. A denial of educational opportunities to a child in the first years of schooling is not justified by demonstrating that the educational program employed will teach the child English sooner than programs comprised of more extensive Spanish instruction. While the District's goal of teaching Hispanic children the English language is certainly proper, it cannot be allowed to compromise a student's right to

meaningful education before proficiency in English is obtained."

[53]All school districts are not organized in the same manner. Elementary, intermediate, and secondary levels are not defined in the *Lau* guidelines. Elementary-level schools span kindergarten through grade five, kindergarten through grade six, and occasionally kindergarten through grade eight; intermediate-level schools generally span grades six through eight (middle schools) or grades seven through nine (junior high schools); and secondary level usually connotes high schools spanning grades nine through twelve or ten through twelve. "Secondary level" has been interpreted to include those students in both academic and vocational schools.

[54]In *Rios* v. *Read*, supra, the court addressing this issue and applying the guidelines stated: "Defendants interpret the *Lau* guidelines as supporting 'maintenance' bilingual programs. The court does not interpret the *Lau* guidelines as expressing any philosophy of bilingual education. It merely sets standards for determining compliance with the statutory obligations relating to bilingual education" (at 18).

In the same opinion the court stated: "The statutory obligations upon the school district require it to take affirmative action for language-deficient students by establishing an ESL and bilingual program and to keep them in such program until they have attained sufficient proficiency in English to be instructed along with English-speaking students of comparable intelligence. The school district has the obligation of identifying children in need of bilingual education by objective, validated tests conducted by competent personnel. It must establish procedures for monitoring the progress of students in the bilingual program and may exit them from the program only after validated tests have indicated the appropriate level of English proficiency. The school district is not obligated to offer a program of indefinite duration for instruction in Spanish art and culture. The bicultural element is necessary only to enhance the child's learning ability. The purpose is not to establish a bilingual society" (at 25).

[55]The opinion for the unanimous Supreme Court in *Lau* v. *Nichols* states no numerosity requirement. In a concurring opinion though, Justice Blackmun and Chief Justice Burger concluded that special instruction would not be required where the case involved "a very few youngsters or . . . just a single child who speaks only German or Polish or Spanish or any other language other than English . . . [since] numbers are at the heart of this case" (414 U.S. at 571-72). In their view it was significant that the 1,800 Chinese students in *Lau* represented a "very substantial group." Id. The Blackmun view reflects only the view of two of the nine Justices. It is not the majority view. Congress in codifying the holding in *Lau*—in the Equal Educational Opportunities Act of 1974—adopted the majority view as expressed by Justice Douglas. Under the Act, no educational agency "shall deny equal educational opportunity *to an individual* on account of his or her . . . national origin" by failing "to take appropriate action to overcome language barriers" (emphasis added) 20 U.S.C. Section 1703(f) (Supp. V, 1975).

[56]On the matter of numbers, the *Lau* guidelines strike a balance. The guidelines state that even one limited-English-speaking student has rights under *Lau* and the Equal Educational Opportunities Act. They stipulate that to satisfy those rights and address a child's educational needs, some affirmative steps must be taken, although the program adopted need not be as extensive or sophisticated as a program for 20 or more children of the same language background in a school district. Practical considerations, particularly the distribution of entitled students among and within schools within a district, will be taken into account.

[57]For ease of administration the State Department of Education has combined the limited-English-speaking and non-English-speaking categories in determining program obligations, and requires that partial, full, or bilingual bicultural programs be offered where there are ten or more limited-English-speaking or non-English-speaking students in the same grade. When counting students to determine program responsibilities, districts should keep in mind that Education Code Section 52163(d) defines limited-English speaking to include the non-English-speaking students as well. It is the position of the State Department of Education that it is the number of students identified as NES or LES and not the number of such students who are enrolled in the bilingual program (after the withdrawal option has been exercised) which determines the district's responsibilities under Education Code Section 52165.

[58]Education Code Section 52165.

[59]Education Code Section 52173.

[60]Education Code Section 52174.

[61]The parent's right of withdrawal is not absolute. Parents are not authorized under AB 1329 to withdraw their child from an individual learning program (Education Code Section 52173). If the individual learning program offered, in fact, is a bilingual program comparable to either a partial, full, or bilingual bicultural program, there seems little reason for denying the right of withdrawal to parents in these circumstances. However, to the extent an individual learning program may offer less than these three options, limiting the right of withdrawal appears sound. Those who would criticize this as an abridgment of the parents' right of withdrawal should remember that the parents of students in the regular program do not have the absolute right to select which subjects their children will receive. Compulsory school attendance carries with it the compulsion to take certain minimum subjects. Both state and federal officials have taken the position that prior written consent of the parent is not required. State law supports this view (Education Code sections 52173 and 52174). Unnecessary obstacles to full pupil participation should no longer be countenanced.

[62]Part VII of the *Lau* guidelines.

[63]Education Code Section 52163(h).

[64]Part V of the *Lau* guidelines. There is no reason to believe, as some have suggested, that the degree of language proficiency required by the *Lau* guidelines—"linguistic familiarity"—is something less than that required by AB 1329—"fluency in the primary language." Nor, is there a reasonable basis for concluding that under the *Lau* guidelines a teacher who is bilingual but not otherwise competent in both methodology and subject matter would pass muster. In applying the *Lau* guidelines to the area of instructional staff, the federal court in *Cintron* required the defendant school district to "expend its best efforts in hiring sufficient qualified and experienced personnel to staff" bilingual education programs in the district. The court said that the "goal is instruction by competent bilingual teachers in the subject matter of the curriculum while at the same time teaching non-English-speaking children the English language." In *Rios* v. *Read* the court, after determining the school district's program and personnel to be inadequate, found: ". . . the teachers have had little or no training in bilingual education programs or methodology, and (the district) failed to provide in-service training for bilingual teachers or a program of continuing education."

[65]Education Code Section 52172.

[66]*Id.*

[67]*Lau* guidelines (Part IX).

[68]The same HEW regulations which require an equal opportunity to participate in the classroom and benefit from classroom instruction require equal opportunity throughout all district programs which affect students [45 C.F.R. Section 80.3 (a), (b), (1), (2)]. This does not signify that all school district personnel involved with limited-English-speaking students must be bilingual. Making available bilingual personnel in such areas as guidance counseling, vocational education, and special education would appear to be required. School districts which merely seek or employ bilingual personnel for employment in AB 1329 programs may fall short of their federal obligations.

[69]Part V of the *Lau* guidelines.

[70]*Cintron* v. *Brentwood Union Free School District*, supra, at 14.

[71]"The Commission for Teacher Preparation and Licensing Directory," dated May 31, 1977.

[72]For districts that will have no kindergarten through grade six vacancies, the district must give assurances that it is not hiring any new teachers (for kindergarten through grade six); that the teacher in the position under waiver will be teaching with the assistance of a bilingual cross-cultural teacher aide; and that the teacher in the position under waiver is, or will be, enrolled in a program leading to a certificate of bilingual competence. For all other districts, a waiver request must give the number of kindergarten through grade six vacancies in the district; the number of new bilingual teachers hired for the previous school year; a description of the district's ongoing bilingual teacher recruitment effort; and the name and

grade level of the teacher in the position under waiver. Additionally, assurances must be given that the teacher in the position under waiver will be teaching with the assistance of a bilingual cross-cultural teacher aide; that the teacher in the position under waiver is, or will be, enrolled in a program leading to a certificate of bilingual competence; that all district bilingual instructional aides qualified for the Emergency Bilingual Credential have been notified of the positions available; and that all persons on the current Commission for Teacher Preparation and Licensing Clearinghouse List of Bilingual Teachers have been contacted at least 30 days prior to the deadline for the position. Moreover, the chairperson of the district advisory committee must agree with the district's "good faith effort" to find bilingual cross-cultural teachers, and the district must certify that the district has maintained the "good faith effort" until 15 days prior to the date on the waiver request.

[73]Assembly Bill 3463 (Chapter 1073/78).

[74]Opinion of Legislative Counsel of California to Peter Chacon, January 5, 1976.

[75]In the first opinion delivered on January 23, 1976, the Attorney General ruled that a school district with a bilingual education program may retain junior employees who have the competency to teach bilingually and terminate senior employees who lack such competency. A subsequent Attorney General's opinion, issued February 15, 1977, reaffirmed and elaborated somewhat on the earlier opinion (Opinion No. CU-74-250).

[76]Letter from David S. Tatel, Director, Office for Civil Rights, Department of Health, Education, and Welfare, to Wilson Riles, Superintendent of Instruction, July 18, 1978: "Clearly, school districts must continue to provide bilingual education programs to all children eligible under the *Lau* guidelines to receive such services. Therefore, bilingual teachers must be made available in sufficient numbers to allow the school district to meet its obligations under *Lau*. . . . While we understand fully the economic crunch facing Californa school districts, the absence of funds cannot justify a failure to comply with Title VI. Thus, if bilingual teachers needed to instruct non- or limited-English-speaking children are laid off as part of a general reduction-in-force precipitated by lack of funds, the burden will be on the school district to demonstrate that such students are receiving the required bilingual education services or alternative services that are equally effective."

In reply, Superintendent Riles wrote to Mr. Tatel, on October 7, 1978: "The Department's ongoing communication to school districts emphasizes the necessity of having appropriately credentialed personnel instructing students in bilingual education programs. In the event of staff reductions, districts will be guided by Education Code Section 44955, which requires that layoffs be based on seniority only when the senior employee is certificated and competent to render the service. . . . This code section has been reinforced by two California Attorney General opinions (January 23, 1978, and February 15, 1978), (sic) which state that junior credentialed bilingual-crosscultural teachers may be retained over senior teachers lacking the credentials specified in Education Code Section 51263. . . . Section 44955, the Attorney General's opinions, and existing State Law regarding bilingual education programs collectively establish a strong basis upon which school districts should make decisions related to staffing bilingual education programs with qualified and competent bilingual-crosscultural teachers."

[77]For a discussion of interacting elements of bilingual education, desegregation, and student isolation see Herbert Teitelbaum and Richard J. Hiller, "Bilingual Education: The Legal Mandate," *Harvard Educational Review*, Vol. 47 (May, 1977), pp. 159—68; and Teitelbaum and Hiller, *Bilingual Education and Desegregation: Compatible or Competing Goals?* (to be published by National Institute of Education, Washington, D.C.).

[78]The 1968 regulations provide, in part, that a recipient of federal funds may not on the grounds of race, color, or national origin "subject an individual to segregation or separate treatment."

[79]The May 25, 1970, memorandum directs that: ". . . any ability grouping or tracking system employed by the school system to deal with the special language needs of national-origin minority-group children must be designed to meet such language skill needs as soon as possible and must not operate as an educational dead-end or permanent track."

[80]Section 204(a) of the Equal Educational Opportunities Act of 1974, 20 U.S.C. Section 1703(a) provides that: "No state shall deny equal educational opportunity to an individual on account of his or her race, color, sex, or national origin, by . . . (a) the deliberate segregation by an educational agency of students on the basis of race, color, or national origin among or within schools."

[81]45 C.F.R. Section 80.5(b).

[82]"It is not educationally necessary nor legally permissible to create racially/ethnically identifiable schools in order to respond to student language characteristics as specified in the programs described herein" (Part VI, A, of the *Lau* guidelines).

[83]Part VI, B, of the *Lau* guidelines.

[84]ESAA provides federal financial assistance to local educational agencies which seek to eliminate minority-group segregation and discrimination in elementary and secondary schools and to overcome the educational disadvantages resulting from minority-group isolation [20 U.S.C. Section 1607(c)(1)(A) (Supp. V, 1975); 20 U.S.C. Section 1606(a)(6) (Supp. V, 1975)].

[85]20 U.S.C. Section 1605(d)(1)(C) (Supp. V, 1975).

[86]45 C.F.R. Section 185.43(c) (1976).

[87]45 C.F.R. Section 185.43(d)(5) (1976).

[88]C.F.R. Section 195.43(c) (1976); 20 U.S.C. Section 1605(d)(1)(C) (Supp. V, 1975). A bona fide ability grouping must meet four requirements. First, placement in the group must be based on educationally relevant, nondiscriminatory objective standards of measurement. Second, the grouping must be maintained during the schoolday for only as long as necessary. Third, it must be designed to meet the student's special needs and to improve academic achievement and performance through specially developed curriculums taught by specially trained instructional personnel. Finally, the grouping must be shown through objective testing to be educationally beneficial.

[89]45 C.F.R. Section 185.45(c)(1) (1976).

[90]Significantly, the ESAA regulations bar funding under the act to local educational agencies "denying equality of educational opportunity . . . on the basis of language or cultural background" [45 C.F.R. Section 185.43(d)(2) (1976)].

[91]*Cintron* v. *Brentwood Union Free School District*, No. 77-C-1370 (E.D.N.Y., January 10, 1978), at 11-12.

[92]Id.

[93]Education Code Section 52167.

[94]"In courses such as art, music, and physical education, an applicant shall provide for the participation of the children of limited speaking proficiency in classes that are not subject to the limitations on participation of English-dominant children" (Section 123.4b of the Elementary and Secondary Education Act, Title VII).

[95]See *Dayton Board of Education* v. *Brinkman*, U.S. 53 L. Ed. 2d 851 (1977).

[96]Herbert Teitelbaum and Richard J. Hiller, supra at note 77.

Appendix B

Legal Requirements for Bilingual Education

Synopsis of California Bilingual Education Legislation

Compiled by Carolyn Pirillo

The following is a brief summary of selected California legislation which is cited in the body of this work. It is not all-inclusive of bilingual statutes enacted in California; other legislation which impacts bilingual programs does exist.

Programs become known and are commonly referred to by the particular Assembly or Senate bill number they carried when introduced. Since the numbering sequence for bills starts from one with each session of the Legislature, some confusion may arise over what program is being referenced if the year of passage and the chapter number in the statutes of that year are not used. Therefore, the chapter and year for each act are given in parentheses following the bill number.

Most legislation affecting education in California is written to become a permanent part of the Education Code. The code sections enacted or amended by these bills are listed insofar as it was possible to do so. For such lengthy and comprehensive bills as Senate Bill (SB) 1641 (Chapter 323/76) and Assembly Bill (AB) 65 (Chapter 894/77), no attempt was made to list all of the code sections affected.

Other bills, such as AB 116 (Chapter 1521/71) and AB 893 (Chapter 262/75), are not intended to enact permanent programs or procedures and therefore do not carry Education Code section numbers.

AB 116 (Chapter 1521/71)

Provides $425,000 for two projects in a three-year pilot program (July 1, 1972, through July 1, 1975) to develop bilingual programs for limited-English-speaking and non-English-speaking children: a Chinese project in San Francisco Unified School District and a Spanish project in San Diego City Unified School District.

Appropriation: $500,000 through fiscal year 1974/75.

AB 893 (Chapter 262/75)

Authorizes the continuation of the demonstration project funded by AB 116 (Chapter 1521/71) in the San Francisco Unified School District until June 30, 1977.

Appropriation: $186,900 for fiscal years 1975/76 and 1976/77.

AB 2284 (Chapter 1258/72), Bilingual Education Act of 1972

Promotes bilingual programs in public schools. Adds Chapter 7 to Part 28 of the Education Code, sections 52100 through 52114.

Requires school districts to undertake a census of limited-English-speaking (LES) and non-English-speaking (NES) children and to report thereon to the Department of Education by primary language.

Authorizes a prescribed program for bilingual education programs, including provisions regarding parent and community participation.

Requires the hiring of bilingual teachers and makes provision for waiving this requirement under specified conditions.

Requires approval of the State Board of Education for programs that involve special state funding.

Appropriation: $5,000,000 for fiscal years 1972/73 and 1973/74.

SB 1641 (Chapter 323/76)

Adds, amends, or deletes numerous sections of the Education Code.

Revises the formulas (amendment to Education Code Section 54002) used in determining a district's eligibility for funding for programs for educationally disadvantaged youth with a hold harmless clause that no district should receive less than its entitlement for the 1976/77 fiscal year by reason of such revisions. Appropriates an additional $20,000,000 for such programs for the 1977/78 fiscal year.

Establishes that the additional funds received by a district because of the revised formulas and another $7,700,000 appropriated by the Act for programs for educationally disadvantaged youth shall be used first for bilingual education programs in schools which do not receive state or federal funds for bilingual education programs.

Provides for numerous changes related to foundation programs, revenue limits, tax rates, and subventions from the State School Fund to school districts, county superintendents of schools, community college districts, and adult education programs.

Makes changes concerning classes for handicapped adults and other matters of adult education.

Revises the administration of regional occupational centers and programs.

Transfers sufficient funds to the State School Fund to make the allowances and apportionments required by this Act.

Appropriates specified amounts for the administration of various programs specified by the Act.

Makes changes relative to employer contributions and certain retirement allowances of the State Teachers Retirement System.

AB 1329 (Chapter 978/76), Chacon-Moscone Bilingual Bicultural Education Act of 1976

Promotes bilingual bicultural programs in public schools. Adds Article 3 to Chapter 7 of Part 28 of the Education Code, sections 52160 through 52179, and amends sections 10101, 10103, 10104, and 10106.

Sets forth the policy that each LES pupil enrolled in California public schools in kindergarten through grade twelve shall receive instruction in a language understandable to the pupil; the pupil's primary language shall be recognized, and he or she shall be taught English. Each LES pupil shall receive one of the following programs of instruction: (1) partial bilingual education; (2) full bilingual education; (3) bilingual bicultural education; or (4) an individual learning program (ILP). The first three programs shall be staffed by certificated bilingual cross-cultural teachers.

Allows for waivers of the bilingual teacher requirement to September, 1979, under specified conditions. No teacher employed after January 1, 1977, shall be eligible for a waiver. The first three program types are required depending on the presence of a specified number of LES/NES pupils in a school by language and grade level. The individual learning program is required for all other LES/NES pupils.

Provides that bilingual instruction funded under the 1972 Act shall continue until replaced by or incorporated into programs funded by this Act and provides for a gradual phase-in of bilingual bicultural programs.

Requires districts to monitor the academic achievement level of its LES/NES pupils.

Requires notification to parents or guardians of children who are to be enrolled in bilingual programs and provides for parents or guardians to be able to withdraw children from the programs under specified guidelines.

Provides for the establishment of school district advisory committees on bilingual education.

Requires the Commission for Teacher Preparation and Licensing (CTPL) to carry out various responsibilities and duties with respect to the programs prescribed by this Act.

Provides certain specifications in relation to allocating funds made available for bilingual bicultural education.

Makes related technical changes.

Appropriation: $3,786,000 for fiscal years 1976/77 and 1977/78.

AB 769 (Chapter 1224/77)

Amends Education Code sections 52171 and 52178 and adds Section 52169.1.

Postpones for one year the requirement for districts to monitor the academic achievement level of LES/NES pupils.

Provides that all programs funded under the 1972 Act shall be conducted under the programmatic provisions of the 1976 Act beginning with the 1977/78 fiscal year.

Provides that bilingual teacher waivers authorized under the 1976 Act shall be renewable one-year waivers and that all requests for waivers shall be filed with the State Board of Education by October 1 of the appropriate year.

Establishes certain specified conditions which must be met before a one-year waiver may be granted if a district has hired new teachers.

Specifies that no teacher employed after January 1, 1978, rather than January 1, 1977, shall be eligible for a waiver.

AB 65 (Chapter 894/77)

Adds, amends, or deletes numerous sections of the Education Code.

Makes changes in funding for foundation programs and equalization aid for school districts and changes related to determining school district revenue limits.

Makes changes related to employer contributions to the State Teachers Retirement System.

Deletes provisions for early childhood education programs (kindergarten through grade three) and enacts provisions for improvement of elementary and secondary education with specified allowances for participating school districts.

Deletes the Bilingual Education Act of 1972, as of June 30, 1979.

Provides for the substitution of the state funding for bilingual bicultural education[1] and educationally disadvantaged youth programs by an economic impact aid program, based upon factors similar to those involved in the other programs. The economic impact aid program involves the computation of state gross need and prescribes a formula for computing each eligible district's share of the total amount available.

Makes provision for transitional financing until the economic impact aid program becomes fully operational.

Requires school districts to adopt standards of proficiency in basic skills and requires the State Board of Education to prepare and distribute an assessment framework to assist districts in developing standards of proficiency.

Increases amounts transferred from the State General Fund to the Instructional Materials Fund per pupil for the 1977/78 school year.

Makes changes related to the homeowner's property tax exemption.

Makes numerous particular appropriations to fund various aspects of the implementation and administration of programs prescribed by the Act.

AB 3470 (Chapter 848/78)

Adds new Education Code Section 52164, adds sections 52164.1 through 52164.5, and amends Section 52168.

Directs each school district to conduct a census by March 1 of each year to ascertain the number of LES pupils by primary language, age, and grade level. The census shall also assess the language skills of all pupils whose primary language is other than English. The census is to be by actual individual count, including migrant and special education pupils. The results of the census are to be reported to the State Department of Education by April 30 of each year. The previous census is to be updated to include new enrollees and delete those who are no longer

[1]For funding purposes, "AB 1329 programs," on July 1, 1979, were incorporated into the economic impact aid formula authorized by AB 65 (Chapter 894/77).

LES pupils or who no longer attend the district's schools. The census data gathered one year shall be used to plan the bilingual classrooms in the ensuing year.

Authorizes the Superintendent of Public Instruction, with the approval of the State Board of Education, to prescribe census-taking methods. These methods shall include the following:

1. The determination of the primary language of each pupil enrolled in the district. This is to be done by September 15 and kept current as new pupils enroll.
2. An assessment of the language skills of all pupils whose primary language is other than English within a specified time frame.

The State Department of Education shall designate the language assessment instruments. The assessments are to be conducted by persons who speak and understand the primary language of the pupils. This requirement may be waived under specified circumstances. These persons must be adequately trained and prepared to administer the language assessment.

Allows a district to follow federal rquirements regarding the census so long as the procedure satisfies state requirements.

Directs the Department of Education to review the reported census data and to audit the census through an onsite visit when deemed necessary.

Authorizes the Department of Education to require another census of a district when incorrect procedures or inaccurate results are evidenced.

Directs districts to reassess when a parent, guardian, teacher, or site administrator claims reasonable doubt regarding the accuracy of the pupil's designation. The parent or guardian must be notified of the results of the reassessment in writing and orally when appropriate.

Permits kindergarten or previously untested first-grade pupils enrolling in a school for the first time and who speak a language other than English at home to be placed in a bilingual program until the census procedure is completed.

Directs districts to maintain pertinent information from the assessment of language skills and to report specified information to the Department of Education annually.

Summarizes the maximum allocations allowable and delineates permissible categories of expenditure of program funds.

AB 3463 (Chapter 1073/78)

Amends Education Code sections 44253.5 and 52178.

Requires the Commission for Teacher Preparation and Licensing to require institutions of higher education to use the same rigorous assessment procedures as other assessor agencies (local educational agencies) before recommending individuals for the certificate of bilingual cross-cultural competence, which is granted by the Commission pursuant to section 44253.5.

Requires that a teacher who is applying for a waiver to teach in a bilingual classroom must be enrolled and participating in a program leading to a certificate of competence. Waivers shall be effective for not more than three years from September, 1977. All waivers shall expire not later than September 1, 1980. No teacher employed after January 1, 1978, to teach in a bilingual classroom shall be eligible for a waiver unless he or she has satisfied the competency requirement of subdivision (a) [language] or (b) [culture] of Section 44253.5. Districts requesting waivers must supply additional information with the requests. After September 1, 1979, only those teachers who have satisfied the competency requirement of subdivision (a) or (b) of Section 44253.5 shall be eligible for a waiver. Waiver applications submitted for the 1979/80 school year shall include a certification by a Commission-approved assessor agency that the applicant teacher has satisfied the competency requirement of subdivision (a) or (b) of Section 44253.5.

AB 3474 (Chapter 990/78)

Adds Education Code Section 52178.5 effective January 1, 1979.

Requires the granting of a waiver extension until July 1, 1980, to a teacher who is teaching in those languages where there is no preparation or examination available for obtaining a certificate of competence for bilingual cross-cultural instruction. The Commission shall determine the availability of such training and examination. The extension of waivers under this section shall not apply to teachers who teach in classrooms where Spanish or the Cantonese dialect of the Chinese language is used.

Federal and State Legal Bases for Bilingual Education

Compiled by Daniel D. Holt and Joseph A. Arellano

The following is a summary and analysis of the federal and state legal bases for bilingual education in California. It is divided into three parts. The first summarizes recent federal statutes, directives, and case law supporting the development of appropriate educational programs for pupils who have a primary language other than English (i.e., national origin minority pupils). The second part summarizes California's bilingual education requirements since the enactment of the Chacon-Moscone Bilingual Bicultural Education Act of 1976 (AB 1329). The final part (Table 2) is a comparison between California's bilingual education laws and the *Lau* guidelines, a significant set of federal requirements for national origin minority pupils.

The first part traces chronologically the development of federal requirements beginning with the Civil Rights Act of 1964. This history shows that all three branches of the federal government have contributed to a comprehensive set of legal responsibilities that state and local governments have for the education of national origin minority pupils. This part will also show that federal requirements necessitate the development of bilingual and other individualized programs which ensure that national origin minority pupils derive equal benefits from the educational process.

The Chacon-Moscone Bilingual Bicultural Education Act of 1976 (AB 1329) established the basic framework for providing bilingual education programs for limited-English-speaking and non-English-speaking pupils in California. Legislation following AB 1329 clarifies and amends parts of this framework. The second part of this analysis summarizes all of this legislation and draws relationships among the various laws.

Some of California's requirements for national origin minority pupils are different from those of the federal government. The third part of this analysis provides a comparison of many of the requirements found in federal and state law. It does not deal with every requirement. Only those requirements that are basic to the development of appropriate educational programs for national origin minority pupils are discussed. The results of this analysis indicate that, in most cases, federal law encompasses more pupils with more comprehensive program requirements than does California law.

Summary of Federal Statutes, Directives, and Case Law Regarding National Origin Minority Pupils

Civil Rights Act of 1964, Title VI

> No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

May 25, 1970, Memorandum, Department of Health, Education, and Welfare, 35 Federal Regulation 11595

Compliance reviews by the Office for Civil Rights (OCR) revealed a number of practices that denied equality of educational opportunity to linguistic minority pupils. The May 25, 1970, memorandum, which was sent to school districts with more than 5-percent national origin minority children, clarified how Title VI applied to national origin minority pupils as follows:

> Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program offered by a school district, the district must take *affirmative steps* to rectify the language deficiency in order to open its instructional program to these students.

Further, the memorandum stated:

> Any ability grouping or tracking system employed by the school system to deal with the special language skill needs of national origin-minority group children must be designed *to meet such language skill needs as soon as possible and must not operate as an educational dead-end or permanent track.*

Comment

Although the memorandum requires districts to take *affirmative steps* (not defined), it does not suggest or state that such steps require the expenditure of additional funds.

The memorandum places equal emphasis on (1) placing pupils in appropriate programs; and (2) removing pupils from these programs once their linguistic needs are met.

Lau v. *Nichols*, U.S. Supreme Court Decision of 1974

The U.S. Supreme Court's decision of 1974 was based on Title VI and rested upon the requirements of the May 25, 1970, memorandum:

> . . . there is no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education.

The San Francisco Board of Education was directed to "apply its expertise to the problem and rectify the situation." (No specific relief was requested.)

Comment

The U.S. Supreme Court recognized the ability of the Department of Health, Education, and Welfare to set forth regulations and interpretive directions pursuant to federal statutory authority.

Equal Educational Opportunities Act of 1974, 20 U.S.C. 1703(f)

Relying upon Title VI, the Congress addressed the matter of discrimination against linguistic minority pupils as follows:

> No State shall deny equal educational opportunity to an individual on account of his or her race, color, sex, or national origin, by . . . (f) the failure by an educational agency to overcome language barriers that impede equal participation by its students in its instructional programs.

Comment

This statute formally recognizes the state's role (as opposed to that of the local educational agency) in ensuring equal educational opportunity for national origin minority pupils. In addition, the statute declares that the failure of an educational agency to rectify a pupil's language difficulties is a denial of equal educational opportunity.

Task Force Findings Specifying Remedies Available for Eliminating Past Educational Practices Ruled Unlawful Under *Lau* v. *Nichols (Lau* Guidelines), Summer, 1975

The *Lau* guidelines outline those educational approaches which constitute appropriate "affirmative steps" to be taken by a school district to "open its instructional program" to the students addressed in the May 25, 1970, Memorandum.

School districts developing educational plans which are not consistent with the *Lau* guidelines must demonstrate affirmatively that such plans "will be equally effective in ensuring equal educational opportunity."

Comment

The receipt of state or federal supplemental funds is *not* a prerequisite for the implementation of programs conforming to the *Lau* guidelines. The Office for Civil Rights uses the guidelines as standards of remediation for those districts it finds to be in violation of Title VI. The guidelines represent a clear minimal standard for the affirmative development of programs for national origin minority students.

***Rios* v. *Read*, 73 F.R.D. 589, 595 (Eastern District of New York, 1977)**

In 1977 the U.S. District Court of New York ruled that *affirmative steps* required under *Lau* v. *Nichols* means an educational program that emphasizes "the importance of bilingual education in the academic and personal growth of the language-disadvantaged child." The court's decision included the following statement:

> It is not enough simply to provide a program for language-disadvantaged children or even to staff the program with bilingual teachers; rather, the critical question is whether the program is designed to assure *as much as is reasonably possible the language deficient child's growth in the English language. An inadequate program is as harmful to a child who does not speak English as no program at all.*

In November, 1978, in another decision in this case, the court reaffirmed (by referring to *Cintron* v. *Brentwood*) the notion that English-as-a-second-language (ESL), when used alone, violates the *Lau* guidelines. Therefore, some instruction must be provided in the pupil's native language.

Comment

This court case indicated that documentary compliance is not enough. The court recognized that "quality" is part of compliance with the *Lau* guidelines.

***Elis Cintron and Others* v. *Brentwood Union Free School District and Others*, U.S. District Court, Eastern District of New York, Decisions of August 22, 1977, and January 10, 1978**

Although not found by the Office for Civil Rights to be in noncompliance with Title VI, the court ordered the Brentwood school district to develop a plan "in compliance with the *Lau* guidelines."

The court requested the district to "expend its best efforts in hiring sufficient qualified *and* experienced personnel to staff" the bilingual education programs in the district.

The court said that the "goal is instruction by competent bilingual teachers in the subject matter of the curriculum while at the same time teaching non-English-speaking children the English language."

As of December, 1978, the district had implemented a plan in "substantial compliance" and had hired bilingual teachers to teach in the program.

Comment

Although the Office for Civil Rights did not find a violation in the district, the court directed the school district to "submit a plan in compliance with the *Lau* guidelines," including instruction in the primary language. The court extended the *Lau* guidelines and used them as standards of compliance. The guidelines may, therefore, be used as standards for compliance with Title VI.

Subsequent Events Which Further Define Federal Role With Respect to National Origin Minority Pupils

1. *Morales* v. *Shannon*, U.S. Court of Appeals, Fifth Circuit
2. *Serna* v. *Portales Municipal Schools*, U.S. Court of Appeals, Tenth Circuit
3. *Aspira* v. *Board of Education*, U.S. Court of Appeals, New York
4. *U.S.* v. *Rodriquez*, U.S. District Court, New York

Comment

These decisions, resting upon federal statutes implementing Title VI as well as the *Lau* guidelines, require use of the pupil's native language as part of the instructional program.

July, 1978, Memorandum from David S. Tatel, Director of the Office for Civil Rights

A July, 1978, memorandum from David S. Tatel, Director of the Office for Civil Rights, regarding Proposition 13 cutbacks, stated:

> . . .school districts must continue to provide bilingual education programs to all children eligible under the *Lau* guidelines to receive such services. Therefore, bilingual teachers must be made available in sufficient numbers to allow the school district to meet its obligations under *Lau*.
>
> While we understand fully the economic crunch facing California school districts, the absence of funds cannot justify a failure to comply with Title VI.

Comment

This memorandum emphasizes the right of linguistic minority students to receive a linguistically comprehensible education.

Neither federal court decisions nor Office for Civil Rights administrative directives have ever conditioned the provision of bilingual education services upon the receipt of funding.

Summary of California State Requirements for Bilingual Education

The Chacon-Moscone Bilingual Bicultural Education Act of 1976 (AB 1329) is the basic framework for providing bilingual education programs and services for limited-English-speaking (LES) and non-English-speaking (NES) pupils enrolled in California public schools. Assembly Bill 1329 contained essentially eight programmatic provisions, and although five subsequent statutes have amended AB 1329, the provisions have remained largely intact (see Table 1).

To understand the programmatic provisions and their corresponding regulations, the following features of AB 1329 should be noted:

Educational Needs of LES/NES Pupils

Assembly Bill 1329 addresses the educational needs of all pupils (kindergarten through grade twelve) who, according to definitions in the law, are LES/NES pupils. No specific language or ethnic group is named. The needs of LES/NES pupils whose primary language is other than English are to be addressed. For these LES/NES pupils, bilingual learning opportunities are to be offered.

Two Sets of Requirements

Assembly Bill 1329 contains some provisions with which all California public schools must comply and other provisions which apply to a more limited number of schools. First, all schools are required to identify the primary language of all pupils, assess the English proficiency skills of pupils whose primary language is other than English, provide at a minimum a bilingual individual learning program for each LES/NES pupil, and establish school-level and district-level advisory committees where there are specific concentrations of LES/NES pupils. Second, all schools with kindergarten through grade six enrollment, with certain levels of funding from state and federal categorical sources, and with concentrations of LES/NES pupils have more specific programmatic requirements under AB 1329.

Elementary School Emphasis

The programmatic requirements of AB 1329 are most explicit for pupils in kindergarten through grade six. Also, the elementary grades receive first priority for the distribution of AB 1329 funds within school districts.

Supplemental Financial Assistance to Districts

Assembly Bill 1329 contained $3,000,000 to be distributed to school districts during the 1977/78 and 1978/79 fiscal years.

Administration Through the Consolidated Application Process

The State Department of Education (SDE) will administer the provisions of AB 1329 through its consolidated application process.

Monitoring and Enforcement

The Superintendent has developed a plan providing for adequate monitoring of school and school district compliance with the regulations contained within AB 1329. School districts that have limited-English-speaking or non-English-speaking students shall be monitored once every three years.

Definitions

The following definitions from Education Code Section 52163 apply to any discussion of bilingual education programs pursuant to California statutes:

(a) "Partial bilingual instruction" means listening, speaking, reading, and writing skills developed in both languages. Material related to culture and history is taught in the language the pupil understands better.

(b) "Full bilingual instruction" means basic language skills developed and maintained in both languages. Instruction in required subject matter or classes is provided in both languages in addition to culture and history.

(c) "Bilingual bicultural education" is a system of instruction which uses two languages, one of which is English, as a means of instruction. It is a means of instruction which builds upon and expands the existing language skills of each participating pupil which will enable the pupil to achieve competency in both languages. This instruction shall include:

1. Daily instruction in English, language arts, listening, speaking, reading and writing.
2. Language development in the pupil's primary language.
3. Reading in the pupil's primary language.
4. Selected subjects taught in the pupil's primary language.
5. Development of an understanding of customs and values of the cultures associated with the languages being taught as well as an understanding of the history and culture of California and the United States.

The State Department of Education recognizes the (a), (b), and (c) programs as requiring the same instructional elements and approaches.

(d) "Limited-English-speaking (LES) pupils" are pupils who do not have the clearly developed English language skills of comprehension, speaking, reading, and writing, necessary to receive instruction only in English at a level substantially equivalent to pupils whose primary language is English. The determination of which pupils are limited English speaking shall be made in accordance with the procedures specified in Education Code Section 52164. The term "limited-English-speaking pupils" includes "non-English-speaking pupils" as described in subdivision (e).

TABLE I

Bilingual Education Program Requirements
(A Compendium of Statutes)

	AB 1329: Chapter 986/76	AB 65	AB 769: Chapter 1224/77	AB 3470	AB 3473: Chapter 990/78	AB 3463: Chapter 1073/78
All schools	1. Conduct census			Amends		
	2. Establish advisory committee					
	3. Provide individual learning program					
	4. Monitor academic achievement		Amends			
	Receipt of categorical funds	Amends				
Selected kindergarten through grade six schools	5. Provide bilingual programs					
	6. Staffing					
	7. Teacher waivers		Amends		Amends	Amends
	8. Parental consent					

(e) "Non-English-speaking (NES) pupils" are pupils who communicate in their primary language only or who communicate in English at a level which does not enable them to participate meaningfully in an educational setting where only English is used.

(f) "Individual learning program" is any program of instruction for a limited-English-speaking pupil in which instruction is offered in a manner consistent with U.S. Supreme Court Decision in *Lau* v. *Nichols* (414 U.S. 563), the Equal Educational Opportunities Act of 1974 (20 U.S.C. Section 1701 et seq.), and federal regulations promulgated pursuant to such court decisions and federal statutes.

(g) "Primary language" is a language other than English which is the language the pupil first learned or the language which is spoken in the pupil's home.

(h) "Bilingual cross-cultural teacher" means a person who (1) holds a valid, regular California teaching credential; and (2) holds *either* a bilingual cross-cultural certificate of proficiency or other credential in bilingual education authorized by the Commission for Teacher Preparation and Licensing *or* a bilingual cross-cultural specialist credential. Such a person shall be fluent in the primary language and familiar with the cultural heritage of the limited-English-speaking pupils in the bilingual classes he or she conducts. Such a person shall have a professional working knowledge of the methodologies which must be employed to effectively educate those pupils.

(i) "Bilingual cross-cultural teacher aide" means an aide fluent in both English and the primary language of the limited-English-speaking pupil or pupils in a bilingual bicultural program. Such an aide shall be familiar with the cultural heritage of the limited-English-speaking pupils in the bilingual classes to which he or she is assigned.

Bilingual Education Program Provisions

All California public schools, kindergarten through grade twelve, are required to do the following:

1. Conduct Census (Education Code Section 52164)

Each district must conduct a census by March 1 of each school year to ascertain the number of LES pupils within the district. The number shall be determined by individual, actual count. The LES pupils must be classified according to their primary language, age, and grade level.

The census required of each school district must be taken in a form and manner prescribed by the Superintendent.

Uniform census-taking methods shall be used. The census shall include the identification of the primary language of all pupils and the assessment of English proficiency skills of pupils whose primary language is other than English.

The results of the census must be reported to the Department of Education by April 30 of each school year.

2. Establish Advisory Committees (Education Code Section 52176)

A school advisory committee on bilingual education must be established where there are more than 20 LES/NES pupils in a school. This committee may be a subcommittee of other school advisory committees. Composition of the committee must comply with the following specifications:

a. The percentage of parents of LES/NES pupils on the committee shall represent an approximate percentage of LES/NES pupils in the school.
b. At least 51 percent of the committee members shall be parents of pupils participating in the bilingual education program.

Where there are more than 50 LES/NES pupils in a district, an AB 1329 districtwide advisory committee on bilingual education must be established. This committee may be a subcommittee of other district advisory committees.

3. Provide Individual Learning Programs (Education Code Section 52165)

The district must provide at a minimum a bilingual individual learning program for each identified LES/NES pupil as a result of an individual pupil evaluation and parent consultation. The program must include activities which teach the LES/NES students English and which utilize the students' primary language in an educationally supportive manner.

4. Monitor Academic Achievement (Education Code Section 52171)

Each district must conduct an assessment of the academic progress of LES pupils in comprehending, reading, writing, and speaking English, and, to the extent assessment instruments are available, the primary language. Such assessment must include the total number of students who are no longer classified as limited English speaking as a result of instruction. Pretesting and post-testing of basic skills shall be conducted within the school year. Each district must report annually in a form and manner prescribed by the Superintendent. The assessment report must identify the type of program serving LES pupils. The evaluation report must identify variables, including related programs, which may have affected pupil academic achievement.

5. Provide Bilingual Programs (Education Code Section 52165)

The school must offer in kindergarten through grade six where specific concentrations of LES/NES students with the *same primary language* at the *same grade level* (or in a multi-grade or in the same age group) are present, bilingual programs consistent with definitions (a),(b), or (c) in Education Code Section 52163. The concentrations and their corresponding programs are as follows:

Concentration of pupils in kindergarten through grade six	*Program requirements*
Ten or more NES pupils	Full bilingual instruction or bilingual bicultural education
Ten or more LES/NES pupils	Full bilingual instruction or bilingual bicultural education
Ten or more LES/NES pupils	Partial bilingual instruction, or full bilingual instruction, or bilingual bicultural instruction
Fewer than ten LES/NES pupils	Individual learning program

6. Meet Staffing Requirements (Education Code Section 52166)

Teachers and aides employed for district programs of partial bilingual instruction, full bilingual instruction, and bilingual bicultural education must meet the criteria of Education Code Section 52163 (h) or (i).

7. Obtain Teacher Waivers (Education Code Section 52178)

For the 1979/80 school year a school district may request a waiver from the State Board of Education for a teacher who has satisfied the competency requirements of subdivision (a) [language] or (b) [culture] pursuant to Education Code Section 44253.5. The teacher must be enrolled and participating in a program leading to a certificate of competence. Such a teacher, with the assistance of a bilingual cross-cultural aide, may teach in a program of bilingual instruction up to but no later than September, 1980.

Additionally, the Board must find that the district made a good faith effort to recruit and hire bilingual cross-cultural teachers. The effort should include contacts through the clearinghouse maintained by the Commission for Teacher Preparation and Licensing (CTPL).

A "good faith effort," as used in this section, includes but is not limited to:

a. Certification by the district that it has notified all persons on the clearinghouse list maintained by the Commission, as well as bilingual crosscultural teacher aides currently employed by the district and eligible for an emergency bilingual credential, of the existence of the position.
b. Certification in writing by the school district advisory committee that it has been consulted in the good faith effort to find a bilingual crosscultural teacher. Such certification shall include an opportunity for the advisory committee to express its agreement or disagreement with the district's good faith efforts.

Districts requesting waivers must supply the following additional information with the requests: (1) who is in charge of the program and which institution or district is conducting it; (2) names of teachers who are to receive waivers; (3) school to which each is assigned; (4) date by

which each teacher is expected to obtain the certificate of competence; and (5) assurance that all teachers receiving waivers have been notified in writing by the school governing board as to their obligations while under waiver.

All waiver applications submitted for the 1979/80 school year shall include a certification by an assessor agency approved by the Commission that the applicant teacher has satisfied the competency requirements as referenced above.

Pursuant to Education Code Section 52178.5 and effective January, 1979, the Board shall grant an extension of an existing waiver up to *July, 1980, for teachers who teach in* classrooms using a language for which no preparation or examination for the certificate of competence is available as determined by the Commission for Teacher Preparation and Licensing. This provision specifically excludes the Spanish language and the Cantonese dialect of Chinese.

8. Obtain Parental Consent (Education Code Section 52173)

Parents must be notified of their child's eligibility to participate in either a partial bilingual instruction, a full bilingual instruction, or a bilingual bicultural education *program and* of the parents' right to enroll or not to enroll their child in such a program.

TABLE 2

Comparison of the *Lau* Guidelines and State Bilingual Education Requirements*

	Lau Guidelines	State Bilingual Requirements	Comparison
1. Purpose	"An outline of those educational approaches which would constitute appropriate 'affirmative steps' to be taken by a noncomplying school district 'to open its instructional program' to students foreclosed currently from effective participation therein."	"To require California school districts to offer bilingual learning opportunities to each limited English-speaking pupil enrolled in the public schools."	*Lau* provides for a bilingual learning opportunity to LES/NES pupils and remedial instruction to educationally disadvantaged national origin minority pupils who are FES. State bilingual requirements address only LES/NES pupils.
2. Target population	Pupils with a primary language other than English who are (a) limited/non-English-speaking and/or (b) achieving below grade level.	Pupils with a primary language other than English who are limited/non-English-speaking (LES/NES).	*Lau* encompasses more students in that it addresses LES/NES *and* FES pupils with a primary language other than English who are educationally disadvantaged.
3. Identification of target population	The district must identify all pupils who have a primary language other than English. Assessment of English and primary language proficiency and academic achievement are used as criteria for program placement.	The district must identify the primary language of all students and assess with an English language proficiency instrument all students with a primary language other than English.	Under *Lau* both language proficiency and academic achievement are used as criteria for program placement. State requirements specify English language proficiency as the single criterion.
4. Numerical conditions	*Lau* programs are developed where there are 20 or more pupils of the same language group in the district.	State programs (a, b, and c) must be developed where there are ten or more LES/NES pupils in kindergarten through grade six at a school and where categorical funding exists; bilingual individual learning programs must be developed where there are fewer than ten LES/NES pupils in kindergarten through grade six, and for all LES/NES pupils in grades seven through twelve.	*Lau* requires more programs consistent with a, b, or c programs in the kindergarten through grade eight span. *Lau* requirements are not contingent upon concentrations of ten or more LES/NES pupils.

*This comparison focuses on ten of the more basic provisions and is not intended to be a complete or exhaustive analysis.

TABLE 2 (continued)
Comparison of the *Lau* Guidelines and State Bilingual Education Requirements*

	Lau Guidelines	State Bilingual Requirements	Comparison
5. Classroom composition	Programs under *Lau* do not "justify the existence of racially/ethnically isolated or identifiable classes, per se."	In programs a, b, or c, "not more than two-thirds of the pupils enrolled shall be limited English-speaking."	*Lau* addresses the ethnicity of participating pupils. State requirements only deal with the language proficiency of the pupils.
6. Staffing	Teachers must be "linguistically/culturally familiar with the background of the students to be served."	"Teachers must be fluent in the primary language and familiar with the cultural heritage of LES students in the bilingual classes." In addition, for programs a, b, or c, the principal teacher must hold a bilingual credential or approved waiver.	*Lau* and state requirements are the same for teacher competencies. Credential and waiver provisions are a state responsibility.
7. Program content	For pupils in kindergarten through grade eight who are identified as LES/NES, a form of bilingual education must be provided. This program must, at a minimum: (1) utilize the pupil's native language; (2) develop all necessary skills in the pupil's primary language; (3) develop all necessary skills in English as a second language; and (4) utilize the pupil's culture and heritage. *NOTE:* ESL is a necessary component above, but it is *not* sufficient as the only program to respond to the pupil's needs.	For students in kindergarten through grade six, if ten or more LES/NES pupils of the same primary language are at a grade level at a school, then program a, b, or c must be provided. This program must at a minimum: (1) utilize the pupil's native language; (2) develop all necessary skills in the pupil's primary language; (3) develop all necessary skills in English as a second language; and (4) utilize the pupil's culture and heritage.	*Lau* requirements encompass more pupils in kindergarten through grade six (concentrations are based on the school district, not ten or more at a grade level at a school). *Lau* requirements also include pupils in grades seven and eight. Curriculum requirements for the state and *Lau* are virtually the same.
	For LES/NES pupils in grades nine through twelve, an ESL and/or a bilingual education program as defined for pupils in kindergarten through grade eight must be provided.	For LES/NES pupils in grades nine through twelve, an individual learning program is required in which pupils are provided ESL and instruction in their primary language.	*Lau* specifies ESL and/or a bilingual education program. A district that chooses the ESL option, however, must include use of the primary language as required by the state.
	For FES pupils in kindergarten through grade twelve who have a primary language other than English and who are underachieving, a program must be designed and implemented that will remedy their academic difficulties. For pupils who are achieving at grade level or better, no additional educational program is required.	State bilingual requirements do not address underachieving FES pupils who have a primary language other than English.	*Lau* requires specific educational services to be provided to underachieving FES students with a primary language other than English.

TABLE 2 (continued)
Comparison of the *Lau* Guidelines and State Bilingual Education Requirements*

	Lau Guidelines	State Bilingual Requirements	Comparison
7. Program content *(continued)*	Programs for LES/NES and underachieving FES pupils with a primary language other than English must "include diagnosis of problems related to areas or subjects required of other students in the school program and prescriptive measures must serve to bring the linguistically/culturally different student to the educational performance level that is expected by the Local Educational Agency (LEA) and state of nonminority students."		
8. Assessment of student progress	A diagnostic/prescriptive approach must be used to identify and monitor national origin minority pupils' language ability and progress in other "areas or subjects required of other students in the school program."	During each school year, the district must use a pre- and post-testing approach to measure the LES/NES pupils' achievement in English and, to the extent instruments are available, the primary language (comprehension, speaking, reading, and writing).	*Lau* requires assessment of not only LES/NES pupils, but also FES national origin minority pupils to determine academic achievement levels. Furthermore, *Lau* requires assessment of language skills and skill levels in several academic areas. State requirements address only language skill assessment of LES/NES pupils.
9. Reclassification criteria	"A district must provide predictive data which show that such students are ready to make the transition into English and will educationally succeed in content areas and the educational program in which he or she is to be placed."	Each district shall "report the total number of pupils whose primary language is other than English who have benefited from instruction . . . to the extent that they are no longer limited English speaking."	*Lau* requires consideration of both the pupil's English language proficiency *and* academic performance. State requirements address only English language proficiency.
10. Fiscal conditions	*Lau* requirements are not contingent upon the receipt of funds.	Requirements under a, b, or c are not dependent upon the receipt of specific amounts of categorical funds.	*Lau* requirements are based solely upon the presence of target pupils. State requirements under a, b, or c include a funding factor.

Appendix C

Program Descriptions of Enrichment Programs for English-Speaking Majority Pupils

The Laredo Enrichment Program

Compiled by Victor Cruz Aedo

It is almost a truism that a child learns for the same reason a bird flies; you do not have to force the child to learn. If, in fact, a child learns as suggested above, it follows that teachers do not have to force learning upon that child. Learning is natural to children. All children can learn languages, even several languages. Children begin to learn long before they enter school. By the time they are five years old, they have mastered practically the entire system of the language they speak and much of the grammatical structure of their home language. Their languages already reflect a set of values tied to a particular group, to a way of thinking, to a way of feeling, and to a way of acting. Furthermore, all normal children develop a conceptual structure which is rooted in the languages they speak. These are strengths to build upon rather than handicaps to successful learning and teaching.

The natural way of learning provides all children a whole life of learning. Each new experience will make the child's mental model of reality more complete and more true to life, thus making him or her more able to deal realistically, imaginatively, and constructively with whatever experiences life may present. The child who lives and associates with a linguistically different peer, who is the perfect model, can learn a second language.

Laredo is a Texas border community of some 65,000 people. It is located just opposite its Mexican counterpart, Nuevo Laredo in Tamaulipas. Agriculture and a busy United States Air Force base provide the economic foundation of the community. Two school districts serve the metropolitan area of Laredo. Laredo Independent School District serves the larger of the two in population, the city proper. Far larger in area and much smaller in population is the United Independent School District. It is larger than the state of Rhode Island. Located within its boundaries are the suburban homes of some of Laredo's Air Force families and the ranches and farms where many Mexican-American families reside.

Three small common school districts, Nye, Cactus, and Junkson, were merged to form the United Independent School District. The district operated three elementary schools and a unique high school, much of which was built underground to serve the community as a fall-out shelter in case of nuclear attack on Laredo Air Force Base and on the city, since it was considered a psychological target.

In the mid-1960s the pupil population was about 30 percent Anglo and 70 percent Mexican-American. The latter segment was about 15 percent middle class while 85 percent were children of farm and ranch workers. The middle class Mexican-American children tended to be bilingual at the time they first enrolled in school. Most of the Anglo children were middle class, although there were a few at both extremes of the socioeconomic scale.

Much of the impetus toward the bilingual program came from the more "cosmopolitan" Anglo population. However, their desires were congruent with those of the administration and a large number of instructors. Without outside funding, a bilingual bicultural program in grades one through six was implemented in 1964. It was based on the idea that, "It is a crime to let any child grow up monolingual in the areas where two languages are used." Biliteracy and bilingualism for all was the state's objective. Additional objectives included to: (1) provide all pupils with a better understanding of the nature of language; (2) cultivate in each pupil a pride in his or her mother tongue and the culture it represents . . . as well as a respect for the other language and culture; and (3) achieve a more complete liberal education (*The Invisible Minority*, 1966, p. 16).

The school governing board was dissatisfied with overage Mexican-American pupils in most classes. Therefore, after careful study and consultations with university personnel, the board implemented bilingual bicultural education beginning in grade one and adding a grade each year. Each first grade had an approximately equal number of Anglo and Mexican-American children. All teachers assigned to teach in the program were bilingual and participated in a preservice training program. Since the staff was small in number, staff development activities were easily scheduled. The director of the program was able to observe classroom management and teaching techniques regularly and share his observations with all teachers and principals.

The children never exhibited negative reactions to receiving instruction in both languages. On the contrary, the innovative approach and the warmth of the school social environment enabled the children to reach the high expectations of teachers. The program demanded the involvement of all children. Parents were involved from the very beginning. The program was explained to the parents at

conferences, and they were given opportunities to express their feelings about the program. Parental support was overwhelming, and many parents volunteered to help in the classroom.

The governing board allocated $2,000 for the four first-grade classrooms. This small amount was used exclusively to purchase materials and supplies. The director of the program went to Mexico City and was able to acquire curricular materials that were adapted for use in the district. The acquisition of materials was rather easy, since the director had taught school in Mexico and was familiar with their materials. Some equipment was purchased with funds from the regular school budget.

Staff development activities were conducted by staff members of the district and professors from the University of Texas. Bilingual instruction was begun in the district's first-grade classes in 1964, and a grade was added each year. English and Spanish received approximately equal treatment in the first grade. It was hoped that eventually all grade levels would stress the "two vernaculars" equally; however, a lack of bilingual teachers resulted in some slighting of Spanish in the other grades. All teachers of the first grade were bilingual. In the other grades English monolingual instructors taught in English and bilingual instructors taught in Spanish or English. All subjects were taught in both languages at the first-grade level. In the first grade Spanish and English were used interchangeably, but they were not mixed. No predetermined content was taught in one language; the teacher used both for all kinds of content and in all types of situations. In the higher grades certain subjects, depending on the teacher's language and subject skills, were taught in Spanish. Listening, speaking, reading, and writing in both languages were stressed. Children learned to read in both languages; reading skills were stressed in the first grade. None of these rather different approaches appeared to create any particular problem. Most of the commercially prepared materials in Spanish were obtained from Mexico. Much of the supplemental materials and some texts were prepared by the staff.

Efforts were made to incorporate culturally relevant materials. "Language experience" approaches were used to develop child-relevant cultural materials. Staff-prepared materials were designed to incorporate the very real Mexican-Chicano culture of the community.

Many parents at first wondered whether the total curriculum could be taught. The use of two languages, they reasoned, would not permit the teachers to teach the three Rs. This concern was dispelled when parents and other interested community members made extensive observations and determined that children were not being shortchanged. The loudest objections were made by parents who knew their children would be missing bilingual bicultural education due to the limitations imposed by the school governing board and the administration.

Honest attempts were made by all teachers to reflect both cultures throughout all the curriculum. Curricular plans did not vary from those used in a traditional English-only curriculum. The district viewed concepts to be taught as universal. Language was obviously the only difference.

Materials available from the previous years were presented in the first language of all children. English and Spanish materials were used to teach English speakers. All activities, whether they were conducted in the classroom, playground, library, or in the dining room were viewed by all as teaching-learning opportunities for all children. Some textbooks were provided by publishers in both languages. There was no need to teach the same concept in both languages. The sequence on instruction was not altered.

The methodology used departed greatly from previous years. Reading in Spanish for the Spanish dominant students and in English for the English speakers was not altered. All teachers followed the sequence of hearing, speaking, reading, and writing.

Cultural differences that do exist among the two ethnic groups were reflected in materials and were treated in depth in relation to the ability of the young children to understand. Their cognitive styles in learning, though sometimes different, were becoming more alike by using materials in the second language on an individual basis. When two children encountered some difficulty, they would automatically help each other in their second language, thus freeing the teacher to work with those children who needed the most help.

The classes were organized as follows:

1. Equal numbers of Anglo children and Mexican-Americans were placed in each first-grade class.
2. Some bilingual children were assigned to all classes.
3. At least one student tutor was assigned to each class. The tutors were recent immigrants from Mexico. They, in turn, were taught English in a concentrated manner. Since their role as models in Spanish was important, the motivation to learn English was great in order to perform better as tutor-models.

Group work was obvious in most classrooms. Tutors in the first-grade classes were utilized in a positive way as models for language learning.

All teachers took advantage of opportunities to teach. The first language was used in the initial orientation to the total school program. *All* children understood at all times what was going on in the school. Beyond the first grade each child was encouraged to speak whatever language he or she knew.

Teachers, pupils, and members of the community worked for the attainment of success by all children. Cultures were stressed as good, and similarities were stressed more than the differences. This approach enabled children to view each other as equals. The lower socioeconomic children appeared daily neatly dressed. No culture conflicts were observable. Children were living in their real world. Foods varied to reflect the differences. Teachers ate with children, and the experience became a disguised learning activity.

Most children reached the high expectations held by teachers, parents, and administrators. The self-concept of each child was highly positive. Languages were liked, used, and learned. Educational attainment was surprisingly high. Children in the program achieved significantly better than was previously the case.

Results were promising but not conclusive. A cursory study of achievement and IQ scores was made of the 41 third graders who were still enrolled in the third grade. Unfortunately, many were lost due to family mobility. The children were divided into groups according to their language ability at entrance. Spanish monolingual pupils were almost exclusively from lower socioeconomic backgrounds (children of agricultural workers). Bilingual pupils were from the middle class and were of Mexican descent. English monolingual pupils were Anglo and almost all of middle class backgrounds. When pupil achievement was analyzed, the following tentative findings were made: (1) only the bilingual pupils at school entrance had any noticeable accent in English; (2) total reading achievement (mean and median taken from the California Achievement Test) for the Spanish monolingual pupils was slightly above norm at the first grade and slightly below grade level at the second (both English monolingual and bilingual pupils were substantially above grade level at both grades and English monolingual pupils achieved better than bilingual pupils); (3) median "total IQ" (from California Test of Mental Maturity) rose from the second grade to the third for all groups. The increase was slight for all groups. The bilingual pupils showed the largest gain (Carter, 1970). The analysis was crude, and firm conclusions were impossible.

Selected References

Carter, Thomas P. *Mexican Americans in School: A History of Educational Neglect.* New York: College Entrance Examination Board, 1970.

The Invisible Minority . . . Pero No Vencibles. Washington, D.C.: National Education Association, Department of Rural Education, 1966.

The Carlsbad Program

Compiled by Chuck Acosta and Tom Carter

Carlsbad, California, is a small beach community just south of Oceanside in San Diego County and is similar to many other such communities in the area. It contains a well-established Anglo and Chicano population. The Anglos are distributed along the socioeconomic curve with a tendency toward the wealthier end. The Mexican-American community has its middle and professional classes, but it has many low-income families. Many are recent arrivals from Mexico. It is a bilingual community. The school district is about 19 percent Chicano, 77 percent Anglo, with the remainder being Asians and Blacks. The service industries and a major electric generator facility provide employment for those working within the city; the majority, however, commute to work in neighboring communities including San Diego.

Carlsbad Unified School District has had a functioning bilingual program since 1966. The program was implemented without special funding and continues to do so with a minimum of special support. From its inception it has been organized to accomplish the enrichment objectives. Change and improvement characterize the efforts of the staff. They do not perceive the bilingual program as the only model program; rather, they view their efforts as a process toward the enrichment model. Regardless, there is significant evidence that the expected results are being achieved. Category D pupils are learning Spanish and achieving well in English; their parents are highly supportive and are instrumental in the demand for bilingual education beyond grade six.

The Carlsbad bilingual program began in the mid-1960s. The initial impetus came from an organization composed of both Anglo and Chicano community leaders, as well as from school administrative and teaching staff. The demand grew from a two-fold recognition: (1) many category A pupils could best learn English in such a program; and (2) pupils in categories B, C, and particularly D, would profit greatly. The school governing board endorsed a beginning kindergarten program at Jefferson School, which was in the Mexican-American community. In these early days there was little outside assistance sought, and local resources had to be utilized. Curricular materials had to be located or constructed, and staff training was "self-generated."

The district and the community have undergone numerous changes from the mid-sixties to the present. To desegregate the schools, it was necessary to convert Jefferson Elementary into a kindergarten through grade three school matched with Pine Elementary, which had grades four through six. The bilingual bicultural program is located in both schools and under two principals. The ethnic composition of Jefferson is about 38 percent Hispanic and 60 percent Anglo; Pine is similar. The bilingual bicultural program involves 11 classrooms (eight at Jefferson and three at Pine) and includes 220 students. The bilingual staff is approximately equally divided between Anglo and Mexican-American teachers. The instructional aides are all Mexican-American and members of the community. The pupils in the bilingual education classes approximate the ethnic composition of the school: about 40 percent are category D, and 60 percent are Mexican-American. The Mexican-American pupils range from LES/NES to fluent English speakers (FES) and from category A to category C.

Changes are taking place. The schools' attendance areas are increasing in population. Two relatively expensive subdivisions have been built and are being occupied by middle class, mostly Anglo, families. Property in the old downtown barrio is increasing in value. Mexican-Americans are moving out while more Anglos are moving into the area of the two schools. Jefferson School, at one time was considered a school for the disadvantaged. However, with changes in the community and a greatly improved educational program including the implementation of enrichment bilingual bicultural classes, it is presently perceived as a desirable institution by many well-to-do Anglo families. This group was essential to the first bilingual program effort and continues to be its primary advocate.

The formal bilingual curriculum is enhanced by the fact that all the bilingual teachers are native speakers of Spanish and all but one are formally qualified to teach Spanish. Adequate materials are available for the teaching of Spanish as a second language to category D pupils in kindergarten through grade six. Present concern is locating an articulated and sequential program to include grades seven and eight. The staff is prepared to develop its own program if a suitable curricular program is not located. Category D pupils are introduced to other subject areas and enrichment activities through the "preview-review" teaching method. Initial subject matter is introduced in the pupil's first language and later introduced in the second language.

Both small group and individualized learning classroom settings are employed as well as cross-age tutorings. Classroom pupil composition approximates that of the school which is 60 percent Hispanic and 40 percent Anglo. Only pupils with learning disabilities are not accepted into the bilingual program.

One of the major recognized shortcomings of the formal curriculum is its limited and superficial treatment of the Spanish-Mexican culture. Staff members recognize that the present effort to incorporate the other tradition is inadequate. Regardless, the two schools include all those things—Mexican celebrations, fairs, food items, music,

TABLE 1

Total Reading Scores for Category D Pupils Enrolled in Bilingual Program

Grade	Number	Mean raw or standard score*	Mean, percentile	Mean grade equivalency
1	15	43.2	50	1.9
2	21	70.38	70	3.1
3	7	58.57	60	3.8
4	11	49	60	3.3
5	7	88.57	80	7.4
6	5	86.40	56	6.9

*Grades one, two, and three percentile and grade equivalency are based on mean raw score, and grades four, five, and six percentile and grade equivalency are based on average standard score. Data compiled by Jan Jacobson of Carlsbad Unified School District, June, 1978.

TABLE 2

Total Reading Scores for Comparable Category D Pupils Not Enrolled in Regular Bilingual Program

Grade	Number	Mean raw or standard score*	Mean, percentile	Mean grade equivalency
1	46	52.65	66	2.0
2	50	59.34	52	2.7
3	50	56.40	54	3.6
4	41	70.26	48	4.5
5	57	76.82	46	5.5
6	61	89.96	68	7.6

*Grades one, two, and three percentile and grade equivalency are based on mean raw score, and grades four, five, and six percentile and grade equivalency are based on average standard score. Data compiled by Jan Jacobson of Carlsbad Unified School District, June, 1978.

dance, and so forth—that are seen by most schools as adequate.

The informal curriculum, the rules, the regulations, and the policies of the schools have not been substantially modified by the bilingual bicultural program. Even the cafeteria serves the normal American menu. (A normal school menu in southern California would include such "American dishes" as tacos, enchiladas, and burritos.) The social climate for students and staff appears conducive to learning; teacher, student, and community expectations are reported to be very high. While hard data are unavailable, many comments are made about the minimum number of negative cross-ethnic incidents. The bilingual bicultural program is viewed as an integrated part of the total school program, not as a separate entity. Bilingual members of the staff work together well and in no way are set apart from the regular staff members. Materials, techniques, ideas, and concerns are mutually shared. The bilingual staff does not mix politics with educational concerns. Bilingual education is not and never has been used as a hammer for ethnic identity or equality; it is not seen as related to the Chicano movement. Apparently, it is supported by most staff members and significant and powerful elements of the community. All these conditions encourage a very positive working and learning environment at Jefferson and Pine elementary schools.

Academic skills, as measured objectively by standard tests and more subjectively by teachers, are being learned by "bilingual students" as they are by comparable peers. In all areas category D pupils do well, sometimes better, than their peers from the same school and similar background. The data listed in tables 1 and 2 compare the two groups on "total reading" scores.

Standard arithmetic scores, as well as teacher evaluations, support the idea that the bilingual program in no way hinders cognitive development in the normal "English areas." In fact, teachers indicate that the bilingual approach may actually improve cognition as evaluated by the school.

Category D pupils who persist in the program are becoming biliterate in Spanish. The pattern of Spanish acquisition is unclear for children in kindergarten through grade three; however, a clear picture emerges for pupils in the intermediate grades. Using the *Bilingual Inventory of Natural Language (BINL)* as a test of Spanish language ability, the following tendencies emerge among fifth and sixth-grade category D pupils who have been in the program for three years:

1. High achievers in academic subjects seem to learn Spanish better than low achievers. Of 13 relatively high achievers, five out of seven were either functional or fluent on the BINL scale. Of the relatively low achievers, four out of seven were less than functional in Spanish.
2. Of all pupils who have been in the program for three years, one-half are functional in Spanish or better; three of the 14 tested out as fluent.

While this is far too small a sample to be conclusive, it tends to support the following conclusions:

1. Higher achievers achieve highly in most subject areas (Spanish included).
2. Spanish language ability increases with time in the bilingual bicultural program.
3. Bilingual education does not deter learning in "normal subjects."

If Carlsbad continues to develop its enrichment program, there is little doubt that these and other conclusions will be supported.

The hard objective evidence of academic success and other language learning is supported by the evaluations made by the staff. Regardless, staff members stress the absolute need to continue to improve the Carlsbad pro-

gram. None of those interviewed felt the "ideal model" had been even approached; all seemed ready and willing to continue the process toward enrichment organization and goals. Those interviewed felt that the process toward improvement could be damaged by too much publicity and an onslaught of "official" visitors. They explicitly requested that no such visits be encouraged and that any write-up stress that they in no way consider Carlsbad a model enrichment program. Much more needs to be accomplished.

In summary the Carlsbad bilingual education program exhibits those characteristics considered vital to the success of the enrichment model. The articulated program for kindergarten through grade six emphasizes equal usage of both languages and the maintenance of cognitive growth. Category D pupils apparently are successfully learning a second language without any detrimental effects on their academic achievement. These factors, coupled with staff commitment and strong parental support, contribute to a positive interethnic community relationship. The specific involvement of category D parents has been instrumental for obtaining governing board and administrative support as attested by the local funding effort.

The Culver City Spanish Immersion Program

Compiled by Russel N. Campbell

The Culver City Spanish immersion program was recommended in 1971 to the Culver City school governing board by R. N. Campbell and J. D. Bowen, both professors in the Teaching English as a Second Language (TESL) Department at UCLA. Previously, these educators had thoroughly studied the results of a French immersion program in Montreal, Canada, and suggested that a replication of that program in California, with Spanish instead of French as the target language, would be a beneficial innovative alternative to the standard curriculum offered children in the Culver City Unified School District. The plan was adopted in 1971, and the first Spanish immersion program (SIP) kindergarten was formed in September of that year at the Howe Elementary School. Each year a new SIP kindergarten was formed so that by the 1977/78 school year each grade level from kindergarten through grade six had an SIP class.

The chief purpose of the Spanish immersion program is to provide English-speaking preadolescent children with the opportunity to learn Spanish by being taught the standard elementary school curriculum in Spanish as if the children were native speakers of that language.

In the "immersion model" of bilingual education, the children are not taught the second language, rather they are taught *in* the second language. The children use their own natural language acquisition devices and strategies to acquire the second language. That this model was viable had been convincingly demonstrated in the Canadian French immersion program mentioned previously. Based on the results attained there, it was hypothesized that Anglo children immersed in Spanish in Culver City would:

1. Acquire native-like proficiency in speaking, understanding, reading, and writing Spanish.
2. Make normal progress in achieving the standard objectives of the elementary school curriculum.
3. Maintain normal progress in the maturation process of their first language (English).
4. Develop positive attitudes toward representatives of the Spanish-speaking community while maintaining a positive self-image as representatives of the English-speaking community.

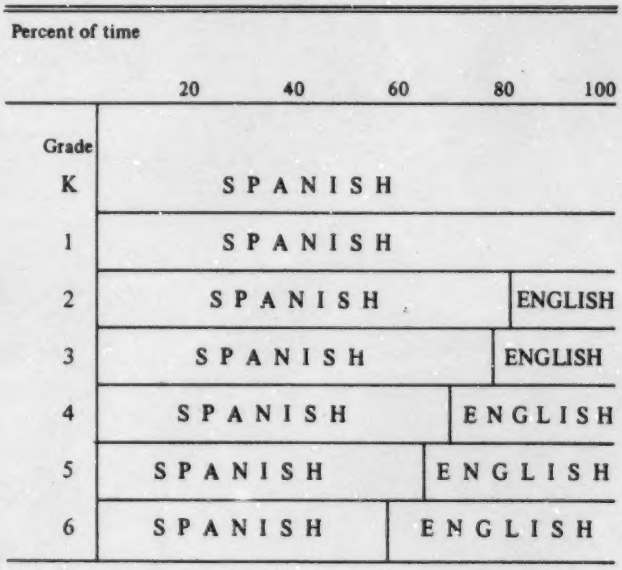
The degree to which these predictions have been attained is discussed below. What follows is a brief description of the Spanish immersion program in terms of: (1) the division of instructional time in Spanish and English; (2) the characteristics of the program's teachers; (3) parental involvement in the program; and (4) the operational and evaluation costs of the program.

The total curriculum for kindergarten through grade one is taught in Spanish. The teachers of these grades, although completely bilingual in English and Spanish, never use English in the classroom. As far as the children are concerned, the teachers do respond to the children's use of English in any distressful situation and the children freely use English when communicating with each other.

The entire curriculum for grade two is also taught in Spanish except for a daily one-hour period dedicated to instruction in English language arts. In the second grade, the children are instructed in reading and writing their home language. For grades three through six, the amount of instruction in English is gradually increased until by grade six a balance in instructional time in the two languages is reached. The distribution of instruction time in English and Spanish for kindergarten through grade six is shown in Table 1.

TABLE 1

Amount of Instruction in Spanish and English



Because the number of students in each grade level does not match the minimum and maximum number of students typically required for classes in the school, there are mixed grade level classes in the Spanish immersion program.

The teachers in the program all have native-speaker competence in Spanish, even though some are not native

speakers. The kindergarten teacher is a Chicana. Teachers of the first, fifth, and sixth grades are Anglos, and the second and fourth grades are taught by Puerto Ricans. Only the kindergarten teacher had had previous experience in more traditional types of bilingual education. All program teachers hold standard California Elementary School Certificates. Except for brief orientation sessions during which the results of the French immersion program and previous experience in Culver City were presented and discussed, the teachers received no special training or preparation for their roles in the program. A general principle for the selection and preparation of teachers, one that is consistent with the Canadian experience, is that other than demonstrated bilingualism in Spanish and English, there are no special qualifications for teachers in such a program.

From the beginning of the Spanish immersion program, parents have played a critical role in the establishment, maintenance, and development of the program. Parents were convinced that the hoped-for consequences of the immersion program would be beneficial for their children, and, subsequently, volunteered them for participation. The sustained interest of the parents has helped the Culver City school governing board to continue the program. For the first several years of the program, monthly meetings of school officials, teachers, and the UCLA monitors with parents helped to keep all concerned apprised of the results and consequences of the program both in and out of school. These meetings were extremely important since the entire program was experimental. However, the first year demonstrated that the predicted goals were in fact, for all practical purposes, being met. It is doubtful that the program would have survived and flourished without substantial parental involvement.

The Spanish immersion program experiment is perhaps unique among bilingual programs in this country in that it has not required nor received special funding at any time for either inauguration or maintenance. No additional staff has been added, no additional space has been required, and no additional funds for materials have been needed. This phenomenon can be explained in part by the constant interest in the program demonstrated by UCLA researchers in bilingual education and language acquisition. Nearly all evaluations of the children's progress in the acquisition of Spanish, as well as monitoring their attitudes (corresponding to previously listed hypotheses 1 and 4), have been carried out by professors and graduate students from the Teaching English as a Second Language Department at UCLA. In other instances this might be considered an inherent cost in mounting bilingual education programs. Nevertheless, the successes attained in the French immersion programs in Canada and the Culver City Spanish immersion program would suggest that this model of bilingual education can be offered with negligible, insignificant costs to school districts.

The successes (and disappointments) of the program have been abundantly documented in a long series of published papers, reports, theses, and dissertations. (A complete bibliography of these is available from the Teaching English as a Second Language Department at UCLA.) Briefly presented here, in an order corresponding to the four hypotheses previously listed, are the results attained by the children in the program.

The children have not acquired native proficiency in speaking, understanding, reading, and writing Spanish. Even after participating in the program for seven years, the children still make errors in their vocabulary and their choice and application of grammatical rules that native-speakers of Spanish would never make. Their performance in Spanish would not be confused with that of a native speaker of Spanish—they still have a foreign accent when speaking Spanish. Nevertheless, their ability to communicate in Spanish, especially in all social domains related to school, home, family, and neighborhood, *is* native-like. That is, even though they have observable linguistic deficiencies, they can converse with fluency in a large range of topics related to these aspects of their lives. Their limitations are directly related to the number and types of life experiences they have had in the Spanish-speaking world. It can be stated here, without fear of contradiction, that the children have attained a very high level of communicative competence in Spanish, a level that, as far as is known, surpasses any past attempt at teaching foreign languages in California elementary schools.

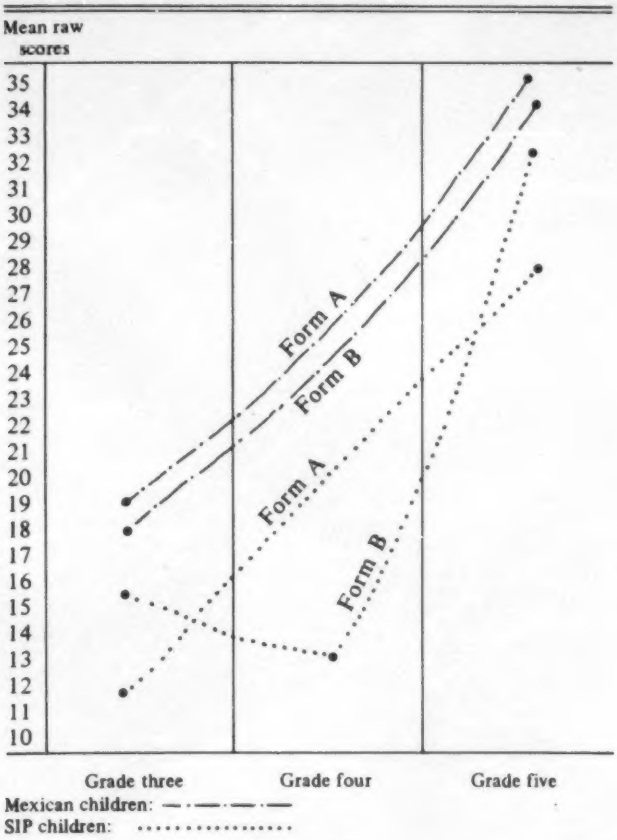
Concrete evidence that the children, in spite of the limited access they have had to Spanish outside of the school situation, have made enormous progress toward satisfying the first hypothesis stated, are the results obtained from the administration of a standardized reading test and a vocabulary test which can be used to compare the Spanish immersion program children's ability in these two areas to those reported for native speakers of Spanish in Mexico.

The gains made in reading skills of Mexican and SIP children as measured by a reading test (*Prueba de Comprensión de la Lectura-Primaria)* are shown in Figure 1. The mean raw scores of Mexican and SIP children are plotted for grades three, four, and five. It will be noted that at the end of the third grade that the SIP pupils score lower than the native Spanish-speaking comparison group and that the same distance holds true at the end of grade five. However, the significant feature is the steady, and parallel, developmental gains made by the SIP pupils.

The results obtained on a vocabulary test (*Prueba de Vocabulario*) correspond almost precisely to those obtained on the reading test. It is clear from the available data that the children have made substantial progress toward becoming bilingual. Their knowledge of Spanish after seven years in the Spanish immersion program permits them to communicate their ideas, their opinions, their questions, and their wishes with considerable fluency. They can also read Spanish with a level of understanding that is nearly comparable to their native Spanish-speaking peers.

The second hypothesis was that the children would make normal progress in achieving the standard objectives of the elementary school curriculum. This hypothesis, as well as the third hypothesis listed previously, has been completely supported by the academic performance of the children. In every subject matter area tested by the school district, with the same set of required measurements administered to all

Fig. 1. Gains Made by Mexican and Spanish Immersion Program Children as Measured by Reading Test



children in the system, the SIP students have performed as well as all other children in the same school and significantly better than the district norms. The import of these results is twofold: (1) in spite of the fact that the children have received over half of their education in a second language, in no way has their academic achievement been impaired or retarded, even when this achievement is measured in English although attained through Spanish and English; and (2) while maintaining a high level of academic achievement, the children gained a second language. They also demonstrate a more positive attitude toward a linguistically and culturally different group than do members of their peer group who have not participated in the program.

Children in the program have been given a number of opportunities, both formal and informal, to reveal their attitudes toward themselves and toward representatives of the Spanish-speaking community. When four groups of children were measured by a cross-cultural attitude inventory, all four groups preferred the Anglo culture over the Mexican-American culture. For the Spanish immersion program children, however, the degree of preference was much less than for the other three.

French-American Bilingual School
Ecole Bilingue Franco-Americaine

Compiled by Maria Teresa Delgado

Since 1964 the French-American Bilingual School (FABS) in San Francisco has offered bilingual instruction to children four to fifteen years of age. Currently, the school is expanding its services to include students completing the last two years of the French equivalent of senior high school. Of the 340 pupils who attended FABS during the 1977/78 school year, approximately 75 percent were American-born, non-French-speaking children. The remaining 25 percent were native French speakers. However, these simple statistics belie the fact that a rich diversity of ethnic and linguistic backgrounds characterizes the pupil population. Within the aforementioned non-French-speaking group, many pupils come from homes where a language other than English is spoken. These "other" languages include Spanish, Chinese, Korean, Vietnamese, and Swedish.

The three school campuses are currently situated in a section of San Francisco that is predominantly black and economically depressed. In an effort to encourage community involvement, the school has awarded 50 scholarships to children from the local area. However, the greater majority of children who attend this private school come from various sections of the city and from upper middle-income families. Next year, the three school campuses will be merged and housed in the former University of California Extension facilities. The school will enroll approximately 500 students by 1980. This is in contrast to the school's first year of operation when instruction was begun with ten students.

Primary financial support has been provided through tuition. The FABS tuition ranks second lowest among the privately operated schools in San Francisco. The French government has provided minimal support largely in the form of scholarships (50) and teachers. These scholarships were awarded in addition to those previously mentioned. The awarding of scholarships is based on the family's need for financial assistance and the student's academic record.

Staff members (27 full-time and seven part-time) are bilingual, and half of them are French citizens. When the school began operation, the entire teaching staff was only native French speaking. Teacher-training sessions are held continuously during the school year within specific subject areas. Teaching personnel in mathematics and French meet every two weeks, while teachers of English meet once a week. Parents have demonstrated an active interest and support of the bilingual school. By sponsoring various fund-raising activities, parents have been able to purchase additional books for the library and gym equipment. Parent-teacher conferences are formally held twice a year; however, much informal communication occurs between teachers and parents throughout the year.

The curriculum is designed to fulfill the objectives of the school: an education fulfilling the principles of bilingual education; one which enables students to transfer to schools and colleges all over the world and in their own countries with a minimum of difficulty; and one which fosters the harmony and growth of its young people and prepares them to contribute to, as well as gain from, the communities in which they find themselves.

The first seven years are spent in the Junior School, corresponding to the primary or elementary level. The grade levels designated include low kindergarten (four-year-olds), high kindergarten (five-year-olds), and junior levels 1 through 5. The last seven years compose the Secondary School, which at FABS has two stages: the Middle House (three years from age eleven to thirteen years) and the Senior House (the final four years from age fourteen to eighteen years). All secondary teachers are specialists and teach in both houses, but whereas Middle House students study mainly in homeroom groups, the students in the Senior House follow a more diversified and individualized program of study. The placement of students in the Middle House is made by the principal according to age and achievement. In general, students follow a common program at this level, as also in senior level 1. In the last three years of school, however, subjects are taught simultaneously so that all students can study at their own level and speed. Those who are going on to a university take the appropriate external tests; those who complete the school's requirements in the Senior House are given a diploma.

Languages are learned primarily as a means of communication and understanding. The school operates throughout in English and French. At the low and high kindergarten and junior 1 levels, children are taught in French for the major portion of the day with one hour of instruction in English. At the junior 1 level, reading in English is introduced to students who already have developed some reading facility in French. Students at this level also learn mathematics, social studies, and science in both curriculums. That is to say, these subjects are taught in each language; the content is coordinated in both languages, but it is not presented exactly the same. At the junior levels 2 through 5, an equal amount of instructional time is devoted to both languages. It is important to note that by the junior 2 level most students have become fluent bilinguals. This is true despite the fact that in most homes French is not spoken. A parallel presentation of content in mathematics,

social studies, and science is also given in both languages for these levels. At the middle levels, or the American equivalent of grades six, seven, and eight, Spanish is introduced as a third language. English and French as second languages are also taught if needed. At this time students choose whether to pursue several academic subjects solely in French or in English.

Throughout the Secondary School, students participate in a full spectrum of activities. In terms of curriculum this entails taking two or three languages, social studies, creative arts, mathematics, science, physical education, as well as participating in the school's extracurricular clubs and activities.

Since the school follows both the French and American curricula, there is a systematic integration of cultural values, traditions, and customs in the instructional content throughout the school year. Because the student population is international, much attention is given to the richness of cultural differences. This appreciation finds expression in numerous cultural programs and activities throughout the school year.

Student achievement is measured every two years at the junior levels 2 and 4 as well as at the middle levels 1 and 3. In English the *Stanford Achievement Test* is used and has consistently shown results that place the FABS students ahead of their English counterparts by two years at each grade level. Next year the *National Education Development Test* (SRA) will be utilized at the secondary level. The *International Baccalaureate*, an examination taken in the final two years of the Senior House, will be administered to those students who wish advanced placement in U.S. colleges and admission to others overseas. Competence in French is assessed with end-of-the-year teacher-developed instruments which cover curriculum content at each grade level. The French curriculum materials are published in France and Canada. The American curriculum materials are largely developed by the teachers.

Attitudinal or self-concept measures are not administered to the pupils. Therefore, the level of openness, cooperation, and acceptance of pupils for the ethnic and cultural diversity that exists in this school environment cannot be quantitatively measured. However, a school climate that supports and maintains close communication between pupils and teachers and among pupils from diverse backgrounds attests to the fact that interethnic cooperation has achieved some degree of success.

The French-American Bilingual School has developed as an enrichment model in bilingual education. It offers a comprehensive educational program: one that is based on the premise that young pupils can gain from the cultural diversity that exists today and that this preparation can enhance the pupils' personal and academic growth.

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